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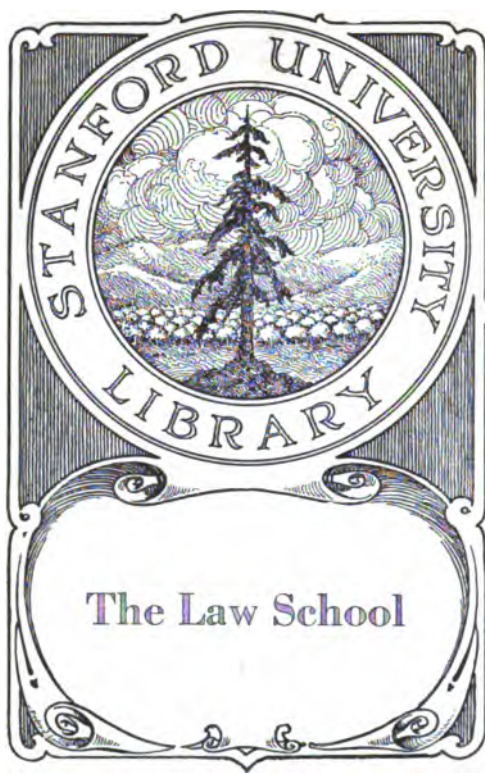
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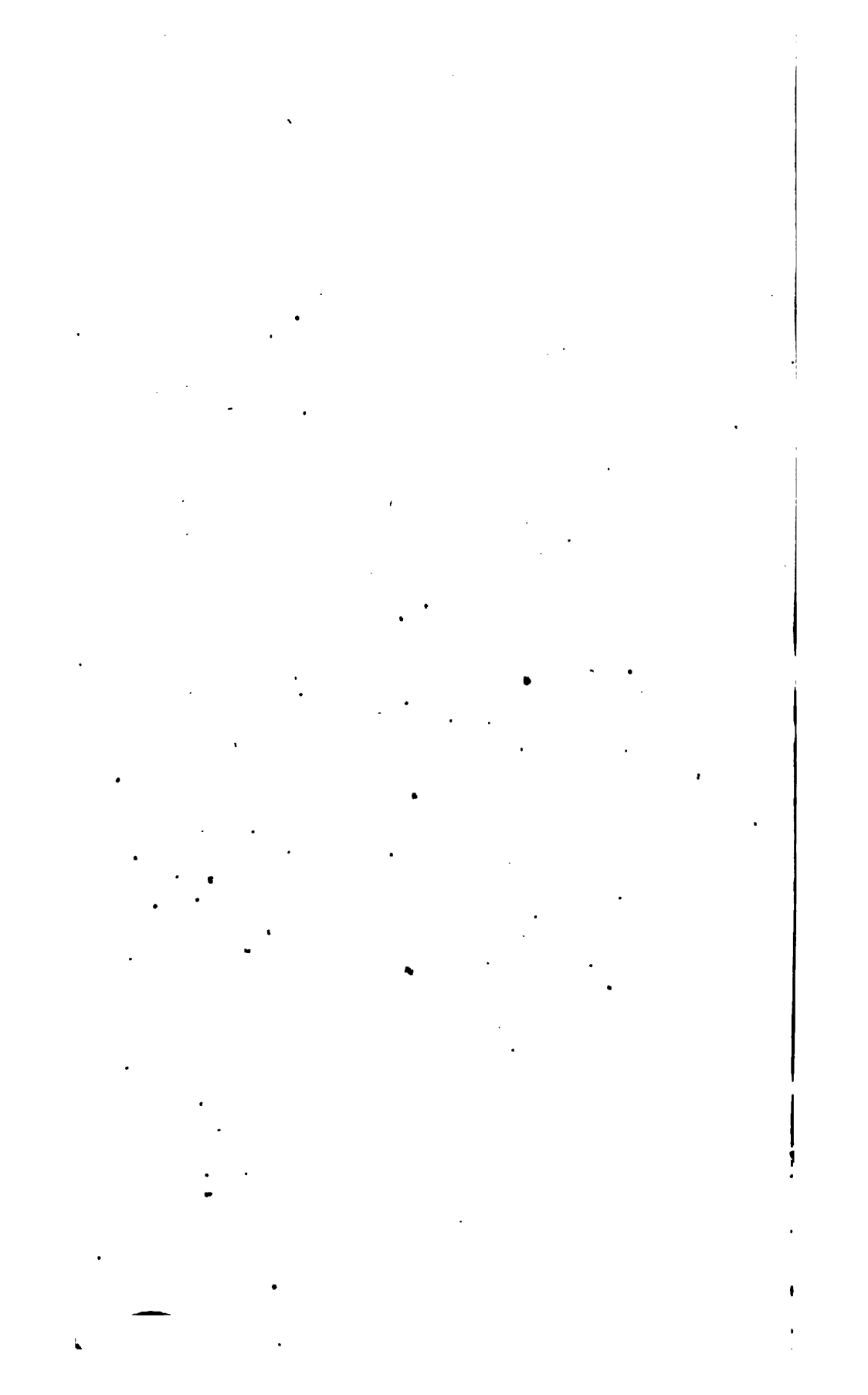
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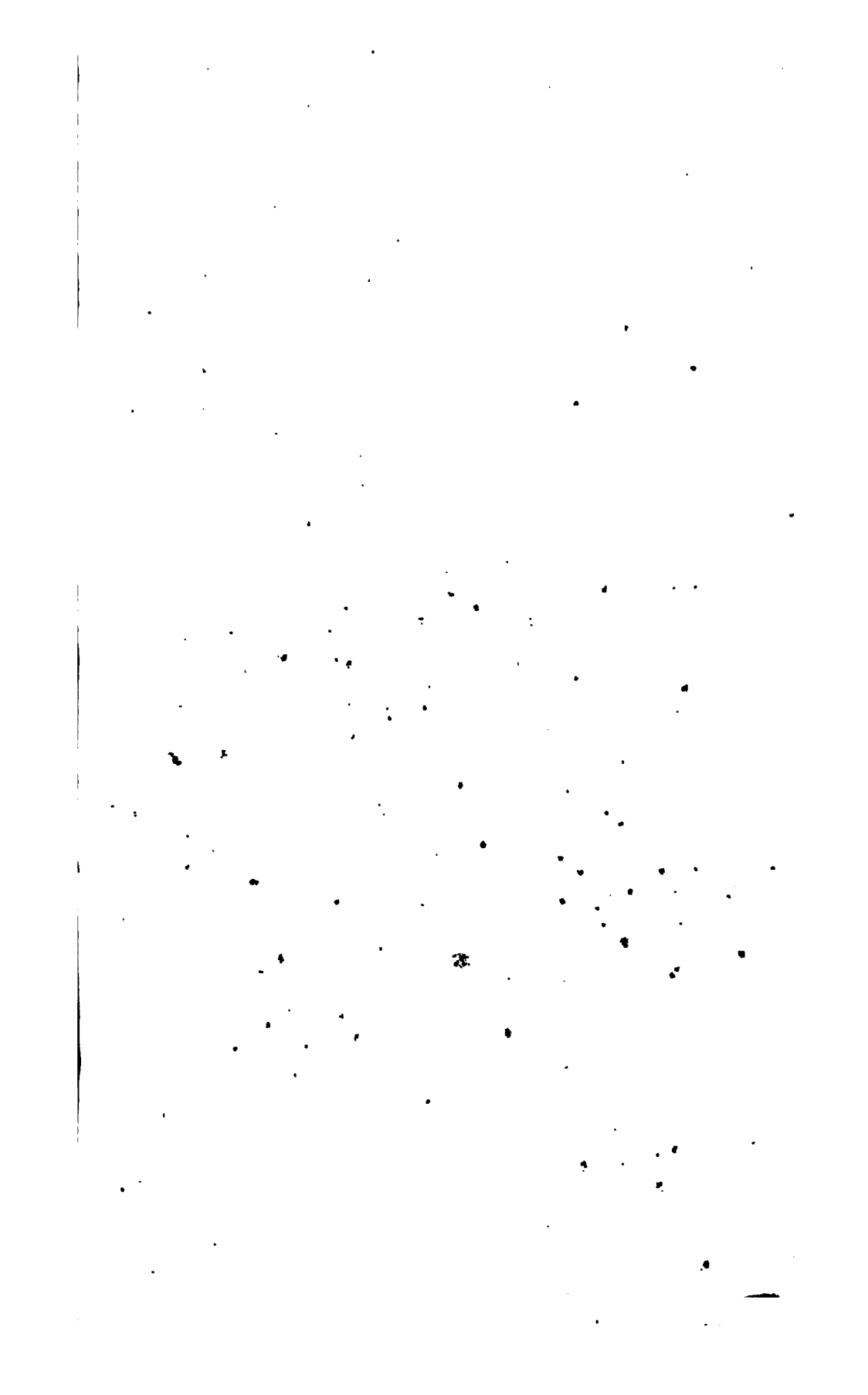
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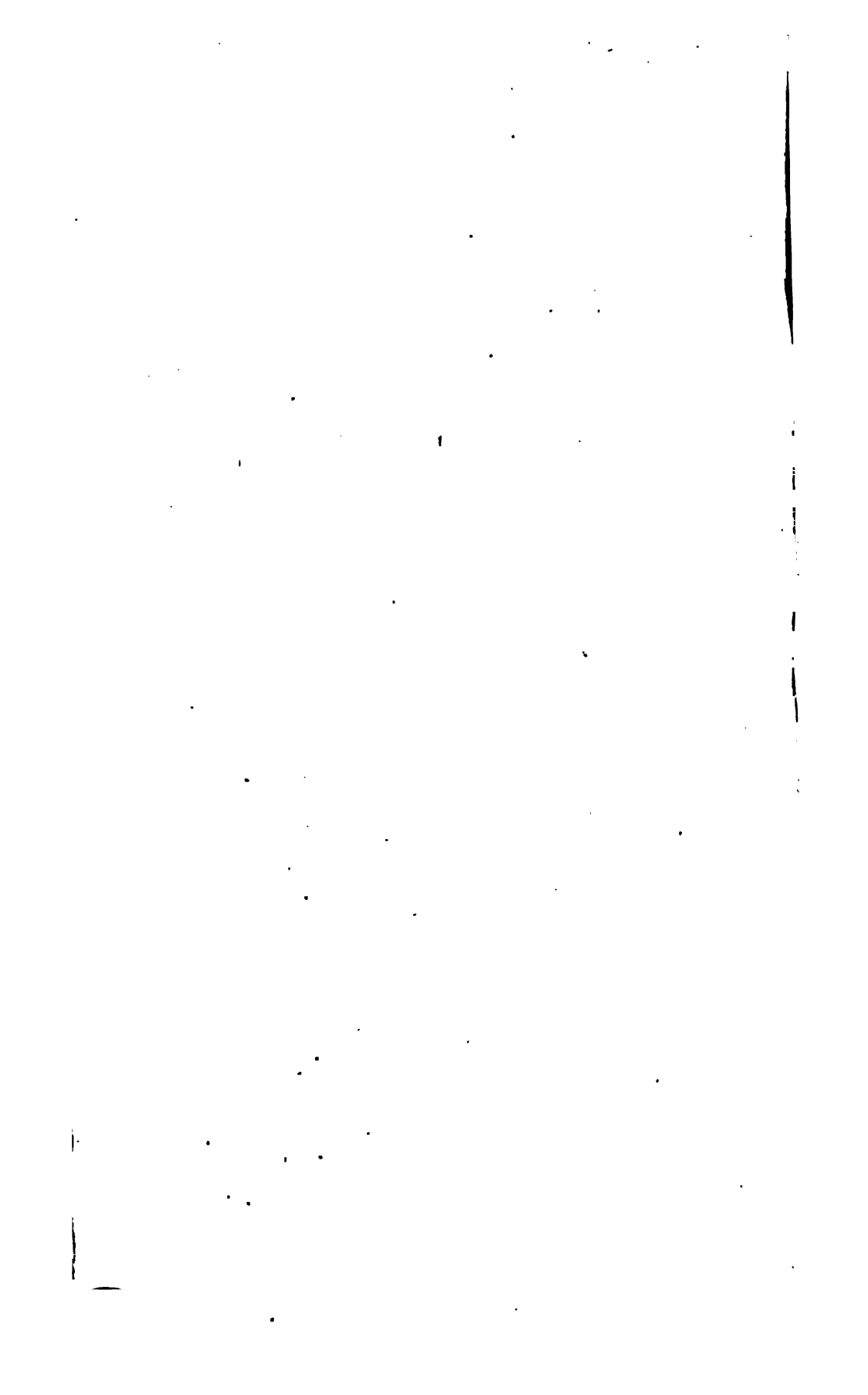
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Kentucky Call







ACTS

OF

THE GENERAL ASSEMBLY

1857

1858

COMMONWEALTH OF KENTUCKY,

PASSED

AT THE SESSION WHICH WAS BEGUN AND HELD IN THE CITY OF
FRANKFORT, ON MONDAY, THE 7TH OF DECEMBER, 1857,
AND ENDED WEDNESDAY, 17TH OF FEBRUARY, 1858.

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An act to authorize the citizens of the town of Warsaw to elect a Police Judge and Marshal. Chapter 384, - - - - -	434
An act to incorporate the Harmony and Fork Turnpike road company. Chapter 385, - - - - -	438
An act to incorporate the Presbyterian church at Lebanon. Chapter 386, - - - - -	439
An act for the benefit of Dennis Purcell and Henry Spink, of Nelson and Hardin counties. Chapter 387, - - - - -	440
An act for the benefit of the Methodist church at Bardstown. Chapter 388, - - - - -	440
An act to incorporate the Mount Lebanon and Kentucky river Turnpike road company. Chapter 389, - - - - -	441
An act to charter the Southwestern Agricultural Works. Chapter 390, - - - - -	442
An act for the benefit of W. M. Smith, late gate-keeper on the Wilderness road, in Rockcastle county. Chapter 393, - - - - -	443
An act to amend an act, entitled, "an act to amend the charter of the Lexington and Danville Railroad company," approved March 10th, 1856. Chapter 393, - - - - -	444
An act to incorporate the Scott Female Institute. Chapter 395, - - - - -	445
An act for the benefit of the Sheriff of Hickman county Chapter 397, - - - - -	446
An act concerning the chartered Turnpike roads in Montgomery county. Chapter 400, - - - - -	446
An act declaring the Cat fork of Blain creek a navigable stream. Chapter 401, - - - - -	447
An act establishing an additional voting place in Lawrence county. Chapter 402, - - - - -	447

ERRATA.

In chapter 478, section 4, page 52, in line 6, the word "and," after the word "assigns," should be omitted, and a comma should be used after the word "assigns" instead of a semi-colon.

In the 5th section of same act, in line 1, the word "when" should be "where."

RESOLUTION

IN RELATION TO THE DUTIES OF PUBLIC PRINTER.

(No. 9.)

WHEREAS, there exists no Directory in this State, whereby the citizens thereof can be informed who their Public State Officers are, the post offices, and length of term: For remedy whereof,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Printer be directed to publish, in the fore part of the Acts of the General Assembly, the names of the Officers of this State, to wit: Executive, Legislative, and Judicial.

Approved February 16, 1858.

EXECUTIVE DEPARTMENT.

Names of Officers.	Post Office Address.	Term of Office expires.
GOVERNOR. Charles S. Morehead, -	Frankfort, - -	September, 1859.
SPEAKER OF THE SENATE—AND ACTING LIEUT. GOVERNOR. John Q. A. King, - -	Paducab, - -	August, 1859.
SECRETARY OF STATE. Mason Brown, - -	Frankfort, - -	September, 1859.
ASSISTANT SECRETARY OF STATE. T. P. Atticus Bibb, - -	Frankfort, - -	September, 1859.
ATTORNEY GENERAL. James Harlan, - - -	Frankfort, - - -	September, 1859.
AUDITOR PUBLIC ACCOUNTS. Thomas S. Page, - - -	Frankfort, - - -	January, 1860.
ASSISTANT AUDITOR. James R. Watson, - - -	Frankfort, - - -	January, 1860.
TREASURER. James H. Garrard, - - -	Frankfort, - - -	January, 1860.
REGISTER. Andrew McKinley, - - -	Frankfort, - - -	September, 1859.
PRES. OF BOARD INT. IMP. David R. Haggard, - - -	Burksville, - - -	January, 1860.
SUP. PUBLIC INSTRUCTION. John D. Matthews, - - -	Lexington, - - -	September, 1859.

EXECUTIVE DEPARTMENT—Continued.

Names of Officers.	Post Office Address.	Term of Office expires.
ADJUTANT GENERAL.		
John M. Harlan, - -	Frankfort, - -	September, 1859.
QUARTER MASTER GENERAL		
Albert G. Cammack, -	Frankfort, - -	September, 1859.
STATE LIBRARIAN.		
A. W. Vallandigham, -	Frankfort, - -	January, 1860.
PUBLIC PRINTERS.		
A. G. Hodges, - -	Frankfort, - -	August, 1858.
John B. Major, - -	Frankfort, - -	August, 1860.

LEGISLATIVE DEPARTMENT.

Senators and Representatives.	Post Office Address.	Term expires.
SENATORS.		
John Q. A. King, Speaker,	Paducah, - -	August, 1859.
Landaff W. Andrews, -	Flemingsburg, -	August, 1861.
Joseph S. Bledsoe, - -	Burksville, - -	August, 1859.
John B. Bruner, - -	Hardinsburg, -	August, 1861.
James F. Buckner, - -	Hopkinsville, -	August, 1859.
Jesse W. Burton, - -	Perryville, - -	August, 1859.
A. D. Cosby, - -	Calhoon, - -	August, 1861.
William S. Darnaby, -	Georgetown, - -	August, 1861.
George T. Edwards, - -	Russellville, -	August, 1859.
John F. Fisk, - -	Covington, - -	August, 1861.
Theophilus T. Garrard,	Manchester, - -	August, 1861.
William C. Gillis, - -	Rockhold's Postoffice,	August, 1859.
Asa P. Grover, - -	Owenton, - -	August, 1861.
Thomas S. Grundy, - -	Springfield, -	August, 1861.
Samuel Haycraft, - -	Elizabethtown, -	August, 1861.
James D. Headley, - -	Providence, - -	August, 1859.
Samuel Howard, - -	Ghent, - -	August, 1859.
David Irvine, - -	Richmond, - -	August, 1859.
Gibson Mallory, - -	Louisville, - -	August, 1859.
John P. Martin, - -	Prestonsburg, -	August, 1859.
Daniel Matthewson, -	Murray, - -	August, 1859.
William H. McBrayer, -	Lawrenceburg, -	August, 1861.
James McKee, - -	Mountsterling, -	August, 1861.
Thomas P. Porter, - -	Versailles, - -	August, 1861.
William B. Read, - -	Hodgenville, -	August, 1861.
Charles Ripley, - -	Louisville, - -	August, 1859.
H. M. Rust, - -	Greenupsburg, -	August, 1861.
George W. Silvertooth, -	Clinton, - -	August, 1859.
John P. Smith, - -	Jerico, - -	August, 1859.

LEGISLATIVE DEPARTMENT—Continued.

Sensors and Representatives.	Post Office Address.	Term expires.
SENATORS.		
James Sadduth, - -	Owingsville, - -	August, 1869.
Harrison Taylor, - -	Maysville, - -	August, 1861.
Cyrenius Wait, - -	Somerset, - -	August, 1861.
E. D. Walker, - -	Hartford, - -	August, 1861.
C. J. Walton, - -	Monroe, - -	August, 1859.
Walter C. Whitaker, - -	Shelbyville, - -	August, 1861.
John Williams, - -	Cynthiana, - -	August, 1859.
William M. Wilson, - -	Bear Wallow, - -	August, 1861.
George Wright, - -	Smith's Grove, - -	August, 1859.
CLERK.		
J. Russell Hawkins, - -	Bridgeport, - -	August, 1859.
ASSISTANT CLERK.		
W. N. Sadduth, - -	Owingsville, - -	August, 1859.
SERGEANT-AT ARMS.		
John W. Pruett, - -	Frankfort, - -	August, 1859.
DOOR KEEPER.		
William P. Watson, - -	Frankfort, - -	August, 1859.
REPRESENTATIVES.		
Daniel P. White, Speaker,	Greensburg, - -	August, 1859.
William T. Anthony, - -	New Roe, - -	August, 1859.
Vene P. Armstrong, - -	West Point, - -	August, 1859.
Elias L. Barbee, - -	Campbellsville, - -	August, 1859.
William A. Burton, - -	Hardinsburg, - -	August, 1859.
Robert Bates, - -	Whitesburg, - -	August, 1859.
James C. Belshe, - -	Monticello, - -	August, 1859.
Joseph M. Boorman, - -	Raywick, - -	August, 1859.
William A. Brann, - -	Callensville, - -	August, 1859.
Robert Browder, - -	Volney, - -	August, 1859.
Erasmus O. Brown, - -	Brandenburg, - -	August, 1859.
Thomas H. O. Bruce, - -	Kinniconick, - -	August, 1859.
John M. Burns, - -	Prestonsburg, - -	August, 1859.
Gabriel S. Caldwell, - -	Perryville, - -	August, 1859.
James L. Caldwell, - -	Shelbyville, - -	August, 1859.
Braxton W. Chamblin, - -	Burlington, - -	August, 1859.
Isaac N. Clement, - -	Marion, - -	August, 1859.
Lealie Combs, - -	Lexington, - -	August, 1859.
Oliver Crawford, - -	Irvine, - -	August, 1859.
Edward Crossland, - -	Clinton, - -	August, 1859.
Francis M. Daily, - -	Owensboro', - -	August, 1859.
Dillard O. Daniel, - -	Stanton, - -	August, 1859.
James W. Davis, - -	Barboursville, - -	August, 1859.
Samuel E. DeHaven, - -	Lagrange, - -	August, 1859.

LEGISLATIVE DEPARTMENT—Continued.

Representatives.	Post Office Address.	Term expires.
Thomas M. Dickey, -	Glasgow, -	August, 1859.
Henry B. Dobyns, -	Flemingsburg, -	August, 1859.
John Donan, -	Munfordsville, -	August, 1859.
Stephen T. Drane, -	Eminence, -	August, 1859.
Blanton Duncan, -	Louisville, -	August, 1859.
Charles Eaves, -	Greenville, -	August, 1859.
John Ellis, -	Piner's Cross Roads, -	August, 1859.
John Ficklin, -	Owingsville, -	August, 1859.
Abram H. Field, -	Shepherdsville, -	August, 1859.
Curtis Field, Jr., -	Richmond, -	August, 1859.
George S. Fleming, -	Flemingsburg, -	August, 1859.
Sidney A. Foss, -	Salina, -	August, 1859.
John K. Goodloe, -	Versailles, -	August, 1859.
Anderson Gray, -	Big Clifty, -	August, 1859.
George W. Hamilton, -	Brooksville, -	August, 1859.
William H. Hamilton, -	Hodgenville, -	August, 1859.
William O. Hansford, -	Crab Orchard, -	August, 1859.
Elisha Hardy, -	Hico, -	August, 1859.
Wilford Lee Harned, -	Boston, -	August, 1859.
Harvey F. Hensley, -	Booneville, -	August, 1859.
Pleasant Hines, -	Bowlinggreen, -	August, 1859.
James K. Huey, -	Smithland, -	August, 1859.
John B. Huston, -	Winchester, -	August, 1859.
James S. Jackson, -	Hopkinsville, -	August, 1859.
George M. Jesse, -	New Castle, -	August, 1859.
Madison C. Johnson, -	Lexington, -	August, 1859.
Milton E. Jones, -	Waitsboro', -	August, 1859.
Hiram Kelsey, -	New Liberty, -	August, 1859.
Alfred Kendall, -	Williamstown, -	August, 1859.
William F. Leathers, -	Lawrenceburg, -	August, 1859.
Thomas N. Lindsey, -	Frankfort, -	August, 1859.
James B. Lyne, -	Henderson, -	August, 1859.
John G. Lyon, -	Louisville, -	August, 1859.
Willis B. Machen, -	Eddyville, -	August, 1859.
Charles A. Marshall, -	Washington, -	August, 1859.
Allen L. McAfee, -	Nicholasville, -	August, 1859.
John C. McCreary, -	Franklin, -	August, 1859.
James H. McDaniel, -	Warsaw, -	August, 1859.
John H. McMillan, -	Tompkinsville, -	August, 1859.
James M. Mitchell, -	Fern Creek, -	August, 1859.
Samuel F. Morse, -	Mayfield, -	August, 1859.
Jonathan Newcum, -	Mount Vernon, -	August, 1859.
Hugh Newell, -	Robinson's Station, -	August, 1859.
William B. Parker, -	Madisonville, -	August, 1859.
Joséph Patton, -	Greenupsburg, -	August, 1859.
Remus Payne, -	Newtown, -	August, 1859.
William P. Payne, -	Jamestown, -	August, 1859.
Charles D. Pennebaker, -	Louisville, -	August, 1859.
H. K. Raobford, -	Alexandria, -	August, 1859.
Newton P. Reid, -	Owingsville, -	August, 1859.

LEGISLATIVE DEPARTMENT—Continued.

Representatives.	Post Office Address.	Term expires.
Robert Richardson, -	Covington, -	August, 1859.
John I. Roach, -	Roaring Spring, -	August, 1859.
Sinclair Roberts, -	Louisa, -	August, 1859.
William E. Russell, -	Columbia, -	August, 1859.
Elijah G. Sebree, -	Trenton, -	August, 1859.
Thomas Shanks, -	Louisville, -	August, 1859.
Joseph Shawhan, -	Cynthiana, -	August, 1859.
William B. Skean, -	Whitley Court House, -	August, 1859.
Isaac Smith, -	Glasgow, -	August, 1859.
Green Sterett, -	Hawesville, -	August, 1859.
William J. Stitt, -	Carlisle, -	August, 1859.
Ambrose H. Talbott, -	Bedford, -	August, 1859.
Charles P. Talbot, -	Paris, -	August, 1859.
Alexander W. Thomas, -	Taylorsville, -	August, 1859.
Henry Thompson, -	Hartford, -	August, 1859.
Benjamin C. Trapnall, -	Harrodsburg, -	August, 1859.
Claiborne W. White, -	Richmond, -	August, 1859.
Joshua T. White, -	Lovelsaceville, -	August, 1859.
Richard P. Whitt, -	Bruin, -	August, 1859.
John C. Wickliffe, -	Bardstown, -	August, 1859.
John K. Wilson, -	Maxville, -	August, 1859.
T. C. Winfry, -	Burksville, -	August, 1859.
Benjamin M. Winston, -	Caseyville, -	August, 1859.
William Woods, -	Paint Lick, -	August, 1859.
John H. Woosley, -	Big Ready, -	August, 1859.
Samuel Worthington, -	Fern Leaf, -	August, 1859.
CLERK.		
C. McClarty, -	Owensboro', -	August, 1859.
ASSISTANT CLERKS.		
W. J. N. Welborn, -	Clinton, -	Resigned.
Thomas J. Helm, -	Glasgow, -	August, 1859.
J. H. Johnson, -	Frankfort, -	August, 1859.
Samuel C. Sayres, -	Frankfort, -	August, 1859.
SERGEANT-AT ARMS.		
W. N. Robb, -	Lexington, -	August, 1859.
DOOR KEEPER.		
A. P. Randall, -	Lawrenceburg, -	August, 1859.

JUDICIAL DEPARTMENT.

Names of Officers.	Post Office Address.	Term of Office expires.
JUDGES COURT OF APPEALS.		
Zachariah Wheat, Ch. Just.	Columbia, - -	September, 1858.
James Simpson, - -	Winchester, - -	September, 1860.
Henry J. Stites, - -	Hopkinsville, - -	September, 1862.
Alvin Davall, - -	Georgetown, - -	September, 1864.
CHANCELLORS.		
Caleb W. Logan, - -	Louisville, - -	September, 1862.
L. S. Trimble, - -	Paducah, - -	September, 1862.
CIRCUIT JUDGES.		
R. K. Williams, - -	Mayfield, - -	September, 1862.
Thomas C. Dabney, - -	Cadiz, - -	September, 1862.
James Stuart, - -	Brandenburg, - -	September, 1862.
Asher W. Graham, - -	Bowlinggreen, - -	September, 1862.
George W. Kavanaugh, - -	Lebanon, - -	September, 1862.
Thomas E. Bramlette, - -	Columbia, - -	September, 1862.
Peter B. Muir, - -	Louisville, - -	September, 1862.
Elijah F. Nuttall, - -	Springport, - -	September, 1862.
Samuel M. Moore, - -	Covington, - -	September, 1862.
E. C. Phister, - -	Maysville, - -	September, 1862.
James W. Moore, - -	Mountsterling, - -	September, 1862.
Granville Pearl, - -	London, - -	September, 1862.
Wm. C. Goodloe, - -	Richmond, - -	September, 1862.
COMMONWEALTH'S ATTORNEYS.		
Albert P. Thompson, - -	Murray, - -	September, 1862.
John C. Arnold, - -	Madisonville, - -	September, 1862.
William B. Wall, - -	Owensboro', - -	September, 1862.
W. W. Sale, - -	Bowlinggreen, - -	September, 1862.
Andy Barnett, - -	Greensburg, - -	September, 1862.
E. L. Vanwinkle, - -	Somerset, - -	September, 1862.
E. S. Craig, - -	Louisville, - -	September, 1862.
Patrick U. Major, - -	Frankfort, - -	September, 1862.
W. E. Arthur, - -	Covington, - -	September, 1862.
H. W. Bruce, - -	Flemingsburg, - -	September, 1862.
J. M. Nesbitt, - -	Owingsville, - -	September, 1862.
John Dishman, - -	Barboursville, - -	September, 1862.
Wm. S. Downey, - -	Winchester, - -	September, 1862.

PUBLIC ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE SESSION WHICH WAS BEGUN AND HELD
IN THE CITY OF FRANKFORT, ON MONDAY THE
7TH DAY OF DECEMBER, 1857, AND ENDED
WEDNESDAY, FEBRUARY 17TH, 1858.

CHARLES S. MOREHEAD, GOVERNOR; JOHN Q. A. KING, SPEAKER
OF THE SENATE; DANIEL P. WHITE, SPEAKER OF THE HOUSE
OF REPRESENTATIVES; MASON BROWN, SECRETARY OF STATE.

CHAPTER 1.

1857.

AN ACT providing for the election of Judge in the 7th Judicial District.

WHEREAS, The Judge of the 7th Judicial District has resigned his office, his resignation to take effect on the 1st day of January, 1858; and whereas, the next term of the Jefferson Circuit Court commences on the 2d Monday in January, 1858; and whereas, doubts exist as to the power of the Governor of Kentucky to order an election to fill the vacancy aforesaid until after the 1st day of January, 1858. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of Kentucky shall have power, at any time before the 1st of January, 1858, to issue his proclamation, ordering an election to fill the vacancy aforesaid, in the district aforesaid, to be held on some day to be named in said proclamation, between the 1st and

Governor authorized to issue writ of election for circuit judge 7th district.

LAWS OF KENTUCKY.

1857. 6th of January, 1858; the said election to be ordered, held, and conducted in every other respect as now provided by law in case of vacancies in the office of Circuit Court Judges.

§ 2. This act shall take effect from its passage.

DANIEL P. WHITE,

Speaker of the House of Representatives.

JOHN Q. A. KING,

Speaker of the Senate.

Approved December 14, 1857.

C. S. MOREHEAD.

By the Governor:

MASON BROWN, *Secretary of State.*

CHAPTER 4.

AN ACT to change the time of holding the Court of Claims in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, hereafter, the Court of Claims in Henry county shall be held on the fourth Monday in October in each year.

Approved December 16, 1857.

CHAPTER 5.

AN ACT to amend Title 7, Chapter 4, of the Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Civil Code of Practice be amended by adding to title 7, chapter 4, the following provisions:

1. When a defendant has a cause of action against a co-defendant, or a person not a party to the action, and affecting the subject matter of the action, he may make his answer a cross-petition against the co-defendant or other person.

2. The defendant to such cross-petition may be actually or constructively summoned, and defense thereto shall be made in the time and manner prescribed in regard to the original petition, and with the same rights of obtaining provisional remedies applicable to the case.

3. The filing and prosecution of the cross-petition shall not delay the trial and decision of the original action, when a judgment can be rendered therein that will not prejudice the rights of the parties to the cross-petition.

4. In actions pending in the circuit court cross-petitions, which have heretofore been filed, may be prosecuted as if filed after this act takes effect.

Chap. 4 of title 7, of Civil Code amended, page 33.

Cross-petition may be filed.

Defendant may be served with process.

Filing of cross-petition not to delay trial on original petition

Cross-petitions heretofore filed may be prosecuted to final judgment.

LAWS OF KENTUCKY.

3

§ 2. This act shall take effect immediately upon its passage. 1857.

Approved December 16, 1857.

CHAPTER 6.

AN ACT changing the time of holding the County Court of Campbell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the fourth Monday of December, eighteen hundred and fifty-seven, the County Courts of Campbell county shall be held on the first Monday of every month.

Approved December 16, 1857.

CHAPTER 7.

AN ACT to change the time of holding Justices' Quarterly Courts in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That after the year 1858 the Quarterly Courts of the Justices of the Peace in Washington county shall be held in the months of January, April, July, and October.

Approved December 16, 1857.

CHAPTER 12.

AN ACT to amend the charter of the Louisville and Portland Canal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the charter of the Louisville and Portland Canal Company be so amended as to authorize said company to construct, with the revenues and on the credit of the corporation, a branch canal, sufficient to pass the largest class of steam vessels navigating the Ohio river; and said company are hereby vested with all the powers and authority to acquire and hold the necessary lands for said branch, and to construct the same, vested by the charter and amendments for the construction of the original canal; and all the provisions of the original charter and amendments shall and are hereby made as applicable to the branch as to the original canal.

Company may
construct
branch canal.

Approved December 19, 1857.

LAWS OF KENTUCKY.

1857.

CHAPTER 30.

AN ACT to change the time of holding the County Courts in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the County Courts for the county of Garrard be and the same is hereby changed from the first Mondays in May and November to second Mondays in same months.

Approved December 19, 1857.

CHAPTER 33.

AN ACT to define the jurisdiction of the Louisville Chancery Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jurisdiction of
Louisville Chan-
cery Court de-
fined.

§ 1. That the Louisville Chancery Court shall have no other than equitable or chancery jurisdiction, and no action or proceeding of exclusively common law jurisdiction shall hereafter be commenced or prosecuted in said court.

§ 2. That if any such action or proceeding be instituted or prosecuted in said court, the chancellor shall, at the cost of plaintiff in such action or proceeding, order the same to be transferred to the Jefferson Circuit Court: *Provided, however,* That if judgment be rendered in any such action, and the error as to the kind of proceedings adopted shall have been waived, as provided in section 12 of the Code, such judgment shall not be regarded as erroneous or reversable on the ground of any such error.

Page 4 of Civil
Code.

§ 3. This act shall take effect from and after its passage.

Approved December 19, 1857.

CHAPTER 40.

AN ACT changing the time of holding the March term of the Oldham Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, hereafter, the March terms of the Oldham Quarterly Court shall be held on the third Monday of said month, instead of the fourth Monday, as now fixed by law.

Approved January 2, 1858.

LAWS OF KENTUCKY.

5

CHAPTER 54.

1858.

AN ACT to amend the laws allowing fees to Justices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one, article eleventh, chapter thirty-three,* of the Revised Statutes, be and the same is hereby amended, so as to allow to Justices, and other like officers, for issuing a certificate that there is reasonable cause to suspect a slave, brought before him for that purpose, as a runaway, twenty-five cents; for issuing a precept, commanding the taker up to deliver such slave to the Jailer of his county, or to the owner of such slave, twenty-five cents; that the owner of such slave shall not be entitled to the possession thereof until the fees for such certificate and precepts are paid.

Chapter 38, article 11, section 1, Revised Statutes amended.

Justices' fee for certificate of a fugitive slave.

§ 2. This act to take effect from its passage.

Approved January 2, 1858.

*This should be chapter 38, Revised Statutes, 350.

CHAPTER 57.

AN ACT to change the April and October terms of the Clarke County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the April and October terms of the Clarke County Court shall be held on the fourth Mondays in said months, agreeably to law, instead of the times now required. This act shall take effect from its passage.

Approved January 2, 1858.

CHAPTER 61.

AN ACT for the benefit of the Clerks of the Circuit and County Courts of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from the passage of this act, be allowed to the several Clerks of the Circuit and County Courts of this Commonwealth, or their personal representatives, to list and collect their fees.

Two years allowed Clerks to collect fees.

§ 2. That the same time be allowed to the late Clerks of Circuit and County Courts, now out of office, or their personal representatives, to list and collect their fees.

Same to Clerks out of office.

§ 3. That nothing herein contained shall exempt any Clerk from the penalties now fixed by law for issuing illegal fee bills: *And provided also*, That any clerk, or representatives of a clerk, who may wish to avail himself

No exemption for issuing illegal fee bills.

1858.

Bond to be executed by Clerk or his representative.

of the benefit of this act, shall execute bond with good security, to be approved of by the Clerk of the Circuit or County Court of his county, conditioned to pay any fine or forfeiture under the fee bill law for issuing or collecting illegal fees.

Approved January 2, 1858.

CHAPTER 66.

AN ACT to amend an act, entitled, an act to regulate the duties of County and Commonwealths' Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 1 and 2 of act of March 8, 1856, repealed. Session acts 1855-6, page 76.

§ 1. That so much of section 1st of an act, entitled, an act to regulate the duties of County and Commonwealth Attorneys, as required County Attorneys to assist the Attorney for the Commonwealth in the prosecution, in the Circuit Court, of all infractions of the criminal and penal laws, and in the discharge of all other duties assigned to him by law, and allows the County Attorneys, for such services, one-half of the fees and perquisites allowed by law to the Commonwealth Attorneys in their respective counties, be and the same is hereby repealed.

§ 2. That section 3rd of said act be and the same is hereby repealed.

§ 3. This act to take effect from its passage.

Approved January 14, 1858.

CHAPTER 69.

AN ACT to repeal section 2 of an act to authorize Justices of the Peace to hold inquests in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Session acts of 1851-2, page 10. Revised Statutes page 242.

§ 1. That section 2 of an act to authorize Justices of the Peace to hold inquests in certain cases, approved December the 20th, 1851, restricting the provisions of the first section of said act to the counties bordering on the Ohio and Mississippi rivers, be and the same is hereby repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 14, 1858.

LAWS OF KENTUCKY.

7

CHAPTER 70.

1858.

AN ACT to change the time of holding the Greenup county Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the first day of January, 1858, the terms of the Greenup county Quarterly Court shall commence on the fourth Mondays of March, June, September, and December, and continue at each term, until the business is disposed of, instead of the times now provided by law; and all process, returnable to the times now provided by law for the holding of said court, shall be valid, as if returnable to the times to which the terms of said court is changed by this act: *Provided*, That the trial of no action shall be had at any of the terms of said court, as changed by this act, unless the defendant shall have been duly summoned to answer at such term.

Approved January 14, 1858.

Time of holding Greenup Quarterly Court

CHAPTER 71.

AN ACT to provide for the election of Special Judges of the City Court of Louisville, and to authorize the Marshal of said Court to appoint Deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when, from any cause, the Judge of the City Court of Louisville, or the Mayor of said city, fails to attend, or if in attendance cannot properly preside, in a case pending in said court, the Attorneys of the court who are present shall elect one of the said Attorneys then in attendance to hold the court for the occasion, who shall, accordingly, preside and adjudicate.

Special Judge of City Court of Louisville may be elected.

§ 2. The election shall be held by the clerk; and in case of a tie, he shall give the casting vote.

Election, by whom held.

§ 3. The Marshal of said court shall have the same power to appoint a Deputy or Deputies, to assist him in the discharge of his duties, that sheriffs now have, under the same rules and regulations, and subject to the same penalties as deputy sheriffs.

Marshal of City Court may appoint deputies.

§ 4. This act to take effect from its passage.

Approved January 14, 1858.

CHAPTER 74.

AN ACT declaring "the office of county judge and common school commissioner incompatible."

Whereas, it has been represented to the General Assembly, that several of the County Judges of this Com-

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monwealth have appointed themselves Common School Commissioners of their respective counties. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Offices of County Judge and School Commissioner incompatible.

§ 1. That the offices of County Judge and of Common School Commissioner be and the same are hereby declared to be incompatible, and that no person holding the office of County Judge, in any of the counties of this Commonwealth, shall be eligible to that of School Commissioner, nor shall any person holding the office of School Commissioner, in any of the counties of this Commonwealth, be eligible to that of County Judge, whilst he continues in office as such Commissioner.

§ 2. This act shall take effect from and after its passage.

Approved January 14, 1858.

CHAPTER 83.

AN ACT changing the time of holding the Clay county Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the terms of the Quarterly Court in Clay county shall be hereafter held on Tuesday after the first Mondays in February, May, August, and November, instead of the time now provided by law. This act to take effect from the first day of March, 1858.

Approved January 14, 1858.

CHAPTER 86.

AN ACT to change the time of holding the Bourbon county Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, hereafter, the time for holding the sessions of the Bourbon county Quarterly Court shall be on the second Mondays of March, June, September, and December, of each year, and not as is now provided for by law, on the second Mondays of February, May, August, and November.

Approved January 14, 1858.

LAWS OF KENTUCKY.

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CHAPTER 91.

1858.

AN ACT to amend Section 614 of the Civil Code of Practice in regard to depositions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That either party to an ordinary action, may take the deposition of a witness to be read in chief on the trial of such action, when the witness resides thirty miles from the place where the Court sits in which the action is pending.

Section 614 of Civil Code amended.

Approved January 14, 1858.

CHAPTER 99.

AN ACT regulating the duties of Constables after the expiration of their term of office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Constables of this Commonwealth shall, after the expiration of their term of office, execute and return to the proper officer all processes or precepts in their hands at the termination of their office, and may replevy or collect all executions and fee bills then in their hands, as now required by law.

Constables may act after their time has expired, on cases in their hands when their term expires.

§ 2. That they and their securities shall be liable for all their official acts under this law, and that counter security may be required, as now provided by law.

§ 3. This act shall take effect from and after its passage.

Approved January 15, 1858.

CHAPTER 110.

AN ACT to change the time of holding the Quarterly Courts in Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the time of holding the Quarterly Courts of Russell county be and the same is hereby changed from the fourth to the third Mondays in each month in which they are now held. This act to take effect from and after the January term of said court in 1858.

Approved January 15, 1858.

1858.

CHAPTER 113.

AN ACT to authorize railroad companies to make certain contracts with each other.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Contracts may be made by railroads with each other for certain purposes

§ 1. That all railroad companies in this Commonwealth shall have power and authority to make, with each other, contracts of the following character: 1st. For the consolidation of either the management, profits, or stock of any two or more companies, the roads of which are or shall be so connected as to form a continuous road, either temporarily or permanently. 2nd. For the leasing of the road of one company to another, provided the roads so leased shall be so connected as to form a continuous line. 3rd. For the completion, in whole or in part, of the unfinished road of any company. 4th. For giving a common name and style to any continuous road belonging to two or more companies: *Provided, however,* That all such contracts shall be approved by a majority, in interest, of all the stockholders of each of the contracting companies, at some stated or called meeting of the same.

Time of meeting of stockholders to be advertised.

§ 2. That the called meetings of stockholders, provided for in the first section, shall be called by the President and Directors of the company, and notice of the time and place thereof, and of the purpose of such meeting, shall be advertised in one or more newspapers of general circulation in the county where the principal office of such company is then kept for at least two weeks before such meeting.

Approved January 22, 1858.

CHAPTER 114.

AN ACT to postpone the January term of the Franklin Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the fixed term of the Franklin Circuit Court, to be holden on the last Monday in January, 1858, shall be postponed until the regular term of said court, to be held on the first Monday in March, 1858. This act is to take effect from its passage.

Approved January 22, 1858.

CHAPTER 123.

1858.

AN ACT to amend an act, entitled, "an act to establish Equity and Criminal Courts in the first Judicial District."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved 23d of February, 1856, entitled, "an act to establish Equity and Criminal Courts in the first Judicial District," be so amended as to authorize and empower the Judge of said Court to grant a license to applicants to practice as Attorneys and Counsellors at Law, under the same rules, restrictions, and regulations, as now prescribed by law in relation to Circuit Judges of this Commonwealth.

Session acts
1855-6, page 39.

Judge of Criminal and Equity Court in 1st district may license attorneys.

§ 2. That the Judge of said court is hereby authorized to transfer any civil suit brought in his court, either in law or equity, to the Common Law Court, or to the Equity docket of the Circuit Court for said district, under the same rules, regulations, and restrictions as now apply to and govern like cases in the Louisville Chancery Court, or the common law Court of the first Judicial District.

Judge may order the transfer of cases from one docket to another.

§ 3. This act shall take effect from its passage.

Approved January 26, 1858.

CHAPTER 124.

AN ACT to authorize the trial of common law causes at special terms of the Christian Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Circuit Court of Christian county shall have the same power and authority to try and determine common law cases and issues at special call terms of said court, as it has at regular terms, which trials shall be governed in all respects by the laws now in force regulating proceedings in common law cases: *Provided, however,* that it shall not be necessary to summon and empanel a regular or standing jury, but if the parties require a jury, the same shall be summoned from bystanders.

Common law cases may be tried at called terms.

§ 2. That no action of debt shall be brought to said term.

[No action of debt to be instituted for that term.

Approved January 26, 1858.

CHAPTER 126.

AN ACT to prohibit the circulation as money, of foreign notes of a less denomination than five dollars.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the first day of June next, it shall not be lawful for any person or persons to pass, or

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Penalty for circulating foreign bank notes under five dollars.

offer to pass, or circulate, within this Commonwealth, any foreign bank bill or note, or other thing purporting to be money, whether it be the issue of a bank or other corporation or individual, of a less denomination than five dollars. And any person or persons so offending shall, upon conviction thereof before any County Court Judge, Police Judge, or Justice of the Peace of the county in which the offense is committed, be fined a sum not less than two, nor more than five times the amount of the bill, note, or other thing purporting to be money, or circulated as money, so passed, or attempted to be passed or circulated, together with the costs of trial.

Warrant to be issued against offender.

§ 2. That upon information given to any one of the officers named in the first section of this act, of a violation of the provisions thereof, it shall be the duty of said officer to issue his warrant, directed to any Constable, Sheriff, or Town Marshal of his county, commanding him or them to arrest said offender or offenders, and bring him or them before him, or some other officer authorized herein to try the cause, forthwith; and the case shall be proceeded with as in other penal offenses, except that no jury shall be necessary. The several Circuit, Equity, and Criminal Courts shall have concurrent jurisdiction with inferior courts, of all prosecutions under this act; and it shall be the duty of each Circuit Judge, at each term of their respective courts, to give this act in charge to the grand juries of the several counties.

Circuit Courts have jurisdiction of the offense.

Fines, how applied.

§ 3. One-half of the fines imposed under this act shall be paid to the trustee of the jury fund of the county, and the other to the person giving the information.

Approved January 26, 1858.

CHAPTER 127.

AN ACT to fix the times of holding Circuit Courts in the fifth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the times of holding the Circuit Courts in the several counties composing the fifth Judicial District of this State, shall be as follows:

Green.

In the county of Green, on the fourth Mondays in February and August, and continue each twelve juridical days, and also a term for the trial of equity, criminal and penal causes, beginning on the second Monday in June, and continue six juridical days.

Taylor.

In the county of Taylor, on the second Mondays in March and September, and continue each twelve juridical days.

Nelson.

In the county of Nelson, on the fourth Mondays in March and September, and continue each twelve juridical days;

and also a term for the trial of equity, penal and criminal causes, beginning on the third Monday in June, and continue twelve juridical days.

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In the county of Mercer, on the second Mondays in April and October, and continue each twelve juridical days; and also a term for the trial of equity, penal and criminal causes, beginning on the first Monday in July, and continue twelve juridical days.

Mercer.

In the county of Anderson, on the fourth Mondays in April and October, and continue each twelve juridical days; also a term for the trial of equity, penal and criminal causes, beginning on the third Monday in July, and continue six juridical days.

Anderson.

In the county of Washington, on the second Mondays in May and November, and continue each twelve juridical days; and also a term for the trial of equity, penal and criminal causes, beginning on the first Monday in August, and continue twelve juridical days.

Washington.

In the county of Marion, on the fourth Mondays in May and November, and continue each twelve juridical days; and also a term for the trial of equity, penal and criminal causes, beginning on the third Monday in August, and continue six juridical days.

Marion.

§ 2. This act shall take effect from and after its passage.

Approved January 26, 1858.

CHAPTER 137.

AN ACT to extend the terms of the Morgan Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Morgan Circuit Court shall be held the same time as now prescribed by law, and shall continue eighteen juridical days, if the business of the court should so require. This act to take effect from its passage.

Approved January 26, 1858.

CHAPTER 140.

AN ACT to change the October term of the Warren Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the October term of the Warren Quarterly Court shall be held on the third Monday in October in each year, instead of Tuesday after the fourth Monday in October, as now fixed by law, and continue from day to day until the business of said court shall be completed.

Approved January 26, 1858.

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CHAPTER 149.

AN ACT to change the law in relation to the tolls on the Kentucky river.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Session acts
1855-6, page 126.

That an act, entitled, an act in relation to the tolls on the Kentucky river improvements, approved March 10, 1856, be and the same is hereby repealed. This act to take effect from its passage.

Approved January 26, 1858.

CHAPTER 162.

AN ACT to change the time of holding the Quarterly Courts of Clarke county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the terms of the Quarterly Court of Clarke county shall be held on the Tuesdays next after the second Mondays in January, April, July, and October, instead of the second Mondays in those months, as now required by law. This act shall take effect from and after its passage.

Approved January 30, 1858.

CHAPTER 164.

AN ACT concerning the Penitentiary.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Keeper to be
elected.

§ 1. That the Keeper of the Penitentiary shall be elected by the Legislature on joint ballot, and shall hold his office for four years, subject to the liabilities, terms, and conditions, and entitled to the rights, privileges, and advantages as prescribed in this act, to-wit:

§10,000 in raw
materials and
money to be
loaned to the
Keeper.*First.* The Commissioners of the Sinking Fund shall loan to the Keeper ten thousand dollars in raw materials, (to be received by the State from the out-going Keeper,) and in money during his term of office, for which he shall pay to them, annually, interest, at the rate of six per cent. per annum, until the principal is returned; and for the payment of the principal and interest shall execute bond to said Commissioners, with sufficient sureties, to be approved by them.Keeper to have
all of the profits
of the institution.*Second.* The Keeper shall have the use and control of the Penitentiary, and all the buildings attached thereto, together with all the machinery, fixtures, tools, and other property of the State therein, and receive and have all the proceeds of the labor of the convicts therein, and all

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the profits and emoluments from the operations of the Penitentiary, and shall be bound to keep in good order all the buildings, machinery, fixtures, tools, and other property, and return all the property so received by him in as good order as when the same shall have been received by him, unavoidable accidents by fire, as respects the buildings and machinery, only, excepted.

Third. The Keeper shall be bound to pay into the Treasury, to the credit of the Sinking Fund, at the end of each year of his term of office, the sum of twelve thousand dollars.

Keeper to pay \$12,000 annually into the Treasury.

Fourth. In the event of a fire occurring in the institution, without any fault on the part of the Keeper, his assistants, or guards, the General Assembly, if in session, and if not, the Commissioners of the Sinking Fund, shall cause to be erected, as soon as practicable, such other permanent and suitable buildings as they may deem best for the interest of the State, not exceeding in cost ten thousand dollars, to be paid out of any money in the Treasury to the credit of the Sinking Fund; and the Commissioners of the Sinking Fund shall make such deduction from the annual sum to be paid by the Keeper as they may deem equitable and just for the loss of the use of the buildings; and their decision shall be subject to the ratification of the Legislature. The cost of erecting the necessary temporary buildings shall be borne by the Keeper, and no allowance is to be made to him therefor.

Provision for rebuilding in event of fire.

Fifth. If, during the term of office of the Keeper, the Commissioners of the Sinking Fund shall deem it necessary to cause additional machinery to be erected, the State shall not, under any circumstances, be chargeable with a sum therefor exceeding ten thousand dollars; and the Keeper shall give bond, with adequate security, to be approved by the Governor, that he will return the machinery so erected in as good order as when erected, and will pay the State annually six per cent. per annum interest on the amount expended in erecting such machinery. The State reserves to itself the right of purchasing from the Keeper of the Penitentiary, at the termination of his term of office, at a fair cash value, any machinery which he may erect at his own cost in the Penitentiary.

Additional machinery may be erected.

Sixth. If any of the amounts herein required to be paid by the Keeper of the penitentiary shall remain unpaid for ten days after the same shall become due and payable, it shall be the duty of the commissioners of the sinking fund to cause a judgment to be rendered against the Keeper and his sureties, at the next or any succeeding term of the Franklin Circuit Court, for the amount so due and unpaid, by motion, in the manner, and with like penalties that judgments are, or shall be rendered against defaulting sheriffs or other collectors of the public money.

If Keeper fails to pay rent, judgment may be rendered therefor.

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Keeper to furnish guards, &c.

Seventh. The said Keeper, in addition to the payment of said sums of money, shall, at his own expense, furnish the necessary guards, feed and clothe the convicts, giving them coffee at least once every day, appoint his own clerk, and pay him for his services, furnish all necessary beds and bedding for the cells, pay the liberation money to the convicts, all necessary physicians' bills, and all the necessary expenses in maintaining and carrying on said institution, and save the state harmless of all expense connected with the management of the same during his term of office.

Three inspectors of the penitentiary to be appointed.

Eighth. The Governor shall appoint three inspectors of the penitentiary, one of whom shall be a practicing physician, who shall hold their offices for two years, unless sooner removed by the Governor. It shall be the duty of the inspectors to examine into all matters connected with the government, discipline, and police of the penitentiary, and make a report thereof every three months to the governor. The penitentiary shall be visited at least once each week, by two of said inspectors, and as much often as shall be prescribed by the Governor or Commissioners of the Sinking Fund. Each inspector shall receive one hundred dollars per annum for his services, payable out of any money in the treasury to the credit of the sinking fund. No inspector of the penitentiary shall become interested, directly or indirectly, in the profits thereof, or of its management.

Their duties.

Physicians to be employed by Keeper.

Ninth. The Keeper shall employ one or more reputable physicians, whose duty it shall be to examine into the health and situation of each convict, and report to the Governor whether any convict is engaged in any work which is injurious to his health, or whether any convict is kept at work when, from disease, he is unfit for labor; whereupon it shall be the duty of the Governor to cause said convict to be changed to other work, or relieved from work until said physician shall pronounce his health sufficiently restored for labor. The keeper shall give written information to the Governor, of his employment of a physician, and of each change of employment.

If Keeper fails to perform his duty, to be removed from office.

Tenth. If the Keeper of the penitentiary fail or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office, the Governor shall have full power, and it shall be his duty, to remove him forthwith.

If Keeper is removed, a person to be selected to take charge of the prison.

Eleventh. In the event of the death or removal from office of the Keeper of the penitentiary, the Governor, Secretary of State, and Auditor shall make a contract with a suitable person to take charge of the penitentiary, according to the provisions of this act, until the next ensuing meeting of the General Assembly, and until a new Keeper be elected and qualified.

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Twelfth. Before the Penitentiary shall be placed in the charge of the Keeper who shall be elected by the Legislature, he shall execute bond, with sufficient sureties, to be approved by the Governor, to the Commonwealth, for his faithful performance of the duties of his office, and compliance with the provisions of this act.

Keeper to execute bond.

Thirteenth. All laws relating to the Penitentiary, in conflict with the provisions of this act, are repealed; and all laws not inconsistent with its provisions shall remain in full force, until changed by the Legislature. Nothing herein contained shall prevent the Legislature from passing such laws as may be deemed necessary to the welfare and reformation of the convicts.

Repealing clause.

§ 2. The raw materials which may be on hand at the expiration of the Keeper's term of office, not exceeding eight thousand dollars in value, and which shall be suitable for the manufactures conducted in the Penitentiary, may be received by the State, at a fair wholesale cash valuation, in payment of so much of the loan to said Keeper, and shall be delivered to the in-coming Keeper at the same valuation, in part of the ten thousand dollars directed to be loaned to him by the first sub-division of section one. The valuation shall be made by three competent and disinterested persons, one selected by the outgoing Keeper, one by the in-coming Keeper, and one by the Sinking Fund Commissioners, who shall be duly sworn to discharge their duties fairly and impartially, and to the best of their skill and judgment, before proceeding to make the valuation. Both the out-going and in-coming Keepers shall have a right to be present at the valuation. If either Keeper fail to select a valuer, the Commissioners of the Sinking Fund shall make the selection in his stead.

Raw materials on hand may be delivered to new Keeper.

Mode of valuation.

§ 3. In order to determine the condition in which the machinery, fixtures, tools, and other property may be when received, and when returned by the Keeper, a valuation of the same, at the commencement and at the termination of the Keeper's term of office, shall be made by three skillful and disinterested persons, selected by the Commissioners of the Sinking Fund, who shall be duly sworn to discharge their duties fairly and impartially, and to the best of their skill and judgment, before making the valuation. The out-going and in-coming Keeper shall be entitled to be present at the valuation.

Machinery, &c., to be valued.

§ 4. The clothing of the convicts, the bed and bedding of the cells, and other necessary furniture of the Penitentiary, shall, in like manner, be valued at the commencement and termination of the Keeper's term of office, by appraisers appointed by the Commissioners of the Sinking Fund; and the Keeper shall be bound to leave, at the termination of his office, an equal value of

Clothing, beds &c. to be valued

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clothing, beds, and bedding, and other necessary furniture, with that he received at the commencement of his term of office. If there is a deficiency the Keeper shall pay the deficiency in cash. If there is an excess, then the Keeper may withdraw the excess, or the Commissioners of the Sinking Fund may allow him a cash credit for the value of such excess. The appraisers shall be sworn, and both Keepers shall have the right of being present, as provided in the preceding section.

If office becomes vacant, valuation to be made.

§ 5. In the event of the death or removal from office of the Keeper, valuations shall be made of all the articles of property named in the three preceding sections, by appraisers appointed by the Commissioners of the Sinking Fund, who shall be sworn as provided in said sections, before making said valuations. The valuations prescribed in this and the preceding sections shall be written out, and the articles so enumerated or described, as to be identified, subscribed by the appraisers, and filed with the Commissioners of the Sinking Fund, and by them preserved.

Provisions not to apply to present Keeper.

§ 6. The provisions of the first section of this act shall not apply to the present Keeper and lessee, whose rights, duties, and responsibilities shall be determined by the laws in force before the passage of this act, and the contract of lease entered into between him and the Commissioners of the Sinking Fund. Sections two, three, four, and five shall, so far as their provisions relate to the out-going Keeper, apply to him, so far as they shall not be in conflict with the terms of his lease, which terms are not intended to be impaired or violated by any provisions of this act.

Approved February 1, 1858.

CHAPTER 167.

AN ACT to establish the county of Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jackson county established.

Boundaries.

§ 1. That from and after the 25th day of April, 1858, so much of the counties of Madison, Estill, Owsley, Clay, Laurel, and Rockcastle, as is included within the following boundary, is hereby erected into and established a separate and distinct county, to be known and called Jackson county, viz: beginning at Robert Cox's, on the top of the Big Hill, in Madison county, so as to include said Cox; thence running with the state road leading from Richmond to London, (so as to include the residence of William L. Mullins,) to Rockcastle river; thence up said river, with the meandering thereof, to the mouth of Moore's creek; thence a straight line to the beginning

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corner, Ballard Smith's forty thousand acre survey of land; thence with the southeast line of the same to the crossing of Ferrill's creek; thence up Ferrill's creek, with the meanders thereof, to the gap in the ridge between Ferrill's creek and Sexton's creek; thence a straight line to the burned cabins, where George Rader once lived; thence a straight line to one of the lines of the aforesaid Ballard Smith's survey, near the old Thomas Chestnut place, on a fork of Sexton's creek; thence with a line of the same, eastwardly, to a corner of said survey, on the top of a ridge; thence with the dividing ridge between the waters of Sexton and Island creeks, and a branch of Sturgeon creek, to the gap in the ridge near the old James Bates place; thence a straight line to M. C. Hughes', so as to include said Hughes; thence with the main road to William Clarke's, so as to exclude him; thence with the road leading to the Brushy mountain to the old Mock place; thence a straight line to the widow Sparks, so as to include her; thence a straight line to the Gum pond on the top of the ridge between Station Camp creek and the waters of the Red Lick fork of the same; thence a straight line to the Tilford Coil place; thence a straight line to the John Rose place; thence a straight line to the old Freeman place; thence a straight line to the Matthew Lame place; thence a straight line to the beginning.

§ 2. The name of the seat of justice of Jackson county shall be McKee, and shall be located within said county, as near the centre thereof as may be, by Reuben Munday, of the county of Madison; Ewing Gipson, of the county of Owsley; R. T. Benton, of the county of Estill; T. T. Garrard, of the county of Clay; Levi Jackson, of the county of Laurel; and James D. Ballard, of the county of Rockcastle, who are hereby appointed Commissioners for that purpose, a majority of whom may act, after having been duly qualified faithfully to discharge the duties of the trust herein assigned them. Said Commissioners shall meet at the residence of John Morris, on the fourth Monday of March, 1858, and then and there proceed to locate said seat of justice, and may adjourn from time to time, and from place to place, until they shall have completed the duties herein assigned them; and when they shall have located the county seat of said county, they shall sign two written certificates of the same, one of which they shall transmit to the Secretary of State, and the other they shall lodge in the hands of Isaac T. Forbis, who shall deliver the same to the County Court Clerk of said county, when one shall have been elected, who shall record the same in his office.

§ 3. The county of Jackson shall be divided into six Justices' Districts, which districts shall also be Election

Seat of Justice
to be called
McKee.

Commissioners
to locate seat of
justice.

Justices' dis-
tricts.

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Commissioners
to lay off the
districts.

Precincts; in each of which there shall be elected two Justices of the Peace and one Constable. John Morris, George Rogers, Carter Lakes, Morgan Forbis, John Farmer, and Robert Hays, a majority of whom may act, are hereby appointed Commissioners to lay off and district and designate the places of voting therein; but before they enter upon the duties herein assigned them, they shall take an oath faithfully to discharge the same. They shall meet at the residence of Solomon Stephens, on the fourth Monday in March, 1858, or as soon thereafter as may be, and proceed to discharge the duties imposed upon them by this act, and may adjourn from time to time, and from place to place, until they complete the same. They shall lodge in the hands of Isaac I. Forbis certified copies of said districts, who shall hold the same until a County Court Clerk for said county is elected, and then deliver the same to said Clerk, who shall record the same in his office; and said Commissioners shall also transmit to the Secretary of State a certified copy of said districts. They shall also, at the same time, designate two suitable persons to act as judges, one to act as clerk, and one to act as sheriff in each of said districts of an election for the election of county officers for said county, who shall take an oath faithfully and impartially to discharge the duties of their respective offices.

Commissioners
to appoint officers of the election.

When elections
to be held for
county officers,

§ 4. An election shall be held in said county, on the first Saturday in May, 1858, for the election of Circuit Court Clerk, a County Court Clerk, a Presiding Judge of the County Court, Sheriff, Jailer, Coroner, Surveyor, Assessor of Tax, and County Attorney, and two Justices of the Peace, and one Constable, in each Justices' District in said county. Those who acted as sheriffs of the election shall meet at the residence of Solomon Stephens, in said county, on the third day after the election, and carefully compare the polls, and shall sign three certificates of the election of the persons elected to each office, designating the person who received the highest number of votes and the office to which he is elected, one of which they shall transmit to the Secretary of State, one to the officer elected, and they shall lodge one in the hands of John Morris, who shall deliver it to the County Court Clerk of the county of Jackson, when one shall be elected, which shall be by said clerk duly recorded in his office. It shall be the duty of the Governor of this Commonwealth to commission such of said officers so elected as are required by existing laws to be commissioned. The officers first elected under the provisions of this act, shall hold their respective offices until the next regular election for like officers, and until their successors are elected and qualified. They shall qualify and execute such bond as is required by existing law from like officers.

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§ 5. The Presiding Judge of the County Court, and Justices of the Peace of said county, a majority of said justices concurring, shall be and they are hereby authorized and empowered to select suitable lots of ground within the seat of Justice of said county, upon which to erect the necessary public buildings, and purchase and make provision for the payment of the same by levying a poll tax on each tithable person in said county, from year to year, until the same is paid for, or they may release said lots of ground by donation; and when so purchased or donated, the vendor or donor shall make deeds of conveyance to the County Court of said county for said lots of ground, and the title thereof shall vest in the County Court for the use of said county.

Judge and Justices of County Court to select lots upon which to erect public buildings.

§ 6. The County Court of said county shall be held on the 3rd Mondays in each month in which no Circuit Court is held, and the Quarterly Courts shall be held on Tuesdays after the third Mondays in June, September, December, and March, and continue three juridical days, if the business of said court shall so require.

When County Courts to be held.

§ 7. It shall be the duty of the County Court of said county to provide suitable rooms in which to hold the Circuit and County Courts, until a court house shall be erected for said county.

Suitable rooms to be provided for courts.

§ 8. That M. C. Hughes, be and he is hereby appointed a Commissioner, with such assistance as he may deem necessary to employ, to run and plainly mark the boundary line of Jackson county, as laid down in the first section of this act, and survey and lay down the plan of the county seat of said county. He shall make out two written certificates, one of which he shall transmit to the Secretary of State, and the other he shall deliver to the County Court Clerk of said county, who shall record the same in his office.

County lines to be run & marked.

§ 9. It shall be the duty of the County Court of said county to allow each of the Commissioners appointed in this act reasonable compensation for their services; and make provision for the payment of the same out of the county levy.

Compensation to Commissioners.

§ 10. The Assessors of Tax of the counties of Madison, Estill, Owsley, Clay, Laurel, and Rockcastle, for the year 1858, shall proceed as though this act had not passed, except they shall make out separate books of that portion of their respective counties that has been stricken off, and included within the county of Jackson, and return the same to the County Court of Jackson county.

Duties of assessors of tax in Madison, &c., counties.

§ 11. The county of Jackson shall have the use of the jail of Rockcastle county until a jail be built for said county of Jackson; and the Jailer of Rockcastle county shall receive all persons committed from the county of Jackson, under the same rules and regulations as if committed from Rockcastle county.

Rockcastle jail to be used.

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Books to be
furnished.

§ 12. The Secretary of State is hereby directed to furnish the county of Jackson with all the necessary books that are required by law to be furnished to county officers and clerk's offices within the Commonwealth.

§ 13. The counties of Madison, Estill, Owsley, Clay, Laurel, and Rockcastle shall have jurisdiction in all things until this act takes effect, as though the same had not passed.

Approved February 2, 1858.

CHAPTER 175.

AN ACT to prevent the sale of liquors, &c., to Cadets of Kentucky Military Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Penalty for selling
spiruous
liquors to stu-
dents of Ken-
tucky Military
Institute.

§ 1. That it shall not be lawful for any person or persons to sell, give, or loan to any student or Cadet of the Kentucky Military Institute, any spirituous or vinous liquors whatever; and any person offending herein, shall be liable to a fine of ten dollars, to be imposed by any Justice of the Peace or Police Judge, on warrant in the name of the Commonwealth, to the use of any one who will sue for the same.

No recovery can
be had for goods
sold to cadets.

§ 2. That no recovery shall be had by any person or persons, for any goods, wares, merchandise, or other property, sold or loaned, to any student or Cadet, under twenty-one years of age, attending the said Institute, without the written consent or authority of the parent, guardian, or person having the care of such Cadet or student, or unless certified by the superintendent of the Institute to be necessary for such Cadet or student.

§ 3. This act shall be in force from its passage.

Approved February 2, 1858.

CHAPTER 182.

AN ACT to transfer the record of certain surveys from the County Court Clerk's offices to the Surveyor's offices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Plats and cer-
tificates of sur-
veys to be trans-
ferred to the
surveyor's of-
fices.

§ 1. That all plats and certificates of survey now on record in the County Court Clerk's offices of this Commonwealth, or such plats and certificates as have been filed in said offices for record, and not so recorded, agreeably to the provisions of an act of the General Assembly, approved February 28th, (1835,) one thousand eight hundred and thirty-five, entitled, "an act to appropriate the vacant lands in this Commonwealth, north and east

1858.

of the Tennessee river, to the counties in which they lie, for the purpose of internal improvement," shall be transferred to the records of the respective Surveyor's offices of said counties.

§ 2. Immediately after the passage of this act, it shall be the duty of the County Court Clerks of those counties in which any such plats and certificates of survey may be recorded, or in whose offices any such plats and certificates of survey may be upon file for record, and not so recorded, to procure a well bound book as a record book, into which the said Clerks shall transcribe said plats and certificates of survey, and prepare and furnish proper indexes to the same, and when thus completed, it shall be the duty of the Presiding Judges of such counties to examine said record and certify the same, and when so examined and certified, the Clerk shall deliver said record to the County Surveyor of such county, and the same shall constitute a part of the records of his office.

Duties of Clerks
of county courts.

§ 3. At the first Court of Claims after the record shall have been completed, upon the production of the certificate of the County Judge certifying the completion and examination thereof, the Court of Claims shall make the Clerk an allowance for his services, which shall be twenty-five cents for each copy of plat and certificate of survey, together with the cost of the book, and a fair allowance for preparing the indexes, to be paid out of the county levy or out of any money in the county treasury arising from the sale of the vacant lands under the act referred to in the first section of this act.

Compensation
to the Clerk of
County Court.

Approved February 2, 1858.

CHAPTER 186.

AN ACT to amend an act, approved December 20, 1851, entitled, an act authorizing the Presiding Judge of Kenton county to hold quarterly terms in Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the act, approved December 20, 1851, entitled, an act authorizing the Presiding Judge of Kenton county to hold quarterly terms in Covington, as requires the defendant or defendants to reside in said city, be and the same is hereby repealed, and the rules as to the residence of the defendant or defendants sued in said court, shall be the general laws of the Commonwealth on that subject; and said Judge shall continue to hold quarterly terms in Covington.

Approved February 2, 1858.

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CHAPTER 190.

AN ACT to regulate certain fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Chain carriers
and markers;
Rev. Stat. 343.

§ 1. That the fee bill laws of this State be so amended, that in future the following allowances shall be made to chain-carriers and markers employed in making surveys: one dollar per day each.

Surveyor, when
summoned as a
witness.
Rev. Stat. 352.

§ 2. To surveyors, when summoned to testify in relation to surveys executed by them, one dollar per day each.

Approved February 2, 1858.

CHAPTER 191.

AN ACT to amend section 9, chapter 24, title "Conveyances," Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rev. Stat. 197.

That the 9th section of the 24th chapter of the Revised Statutes, title "Conveyances," be and the same is hereby amended, by adding thereto the following words, viz: The provisions of this section shall extend to and protect innocent purchasers and creditors of the heirs or devisees of any grantor in such deeds, as to the land embraced therein.*

Approved February 10, 1858.

CHAPTER 196.

AN ACT to amend section 756 of the Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 756 of
Civil Code
amended.

§ 1. That where any person or corporation is liable, either jointly or severally, with others, by the same contract, an action may be brought against any of the parties who are liable, to obtain discovery of the names and residence of the others who are also liable.

Allegations to
be made to ob-
tain the discov-
ery.

§ 2. In such action the plaintiff shall state, in his petition, in effect, that he has used due diligence, without success, to obtain the information asked to be discovered, and that he does not believe the parties to the contract, who are known to him, have property sufficient to satisfy his claim. The petition shall be verified as other petitions, and the cost of such action shall be paid by the plaintiff, unless the discovery be resisted.

§ 3. This act shall take effect from its passage.

Approved February 3, 1858.

* This amendment changes the law as decided by the Court of Appeals, in *Ralls vs. Graham*, 4 Monroe, 120; *Hancock vs. Beverly's heirs*, 6 B. Monroe, 532; and *Harlan's heirs vs. Seaton*, 18 B. Monroe.

LAWS OF KENTUCKY.

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CHAPTER 197.

1858.

AN ACT to change the county line between Letcher and Perry counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the county line between the counties of Letcher and Perry be changed as follows, viz: That hereafter the said line shall commence on the top of the Pine Mountain at the Perry, Letcher, and Harlan lines; thence with the Harlan line, on the top of said mountain, a south-west direction, to the dividing ridge between the Line fork and Leatherwood; thence with the same to the Kentucky river, at the lower line of Samuel Lusk's plantation; thence a straight line to the mouth of the Lower lick fork of Bull creek; thence a straight line to the mouth of Irishman on Caw's fork, at the present line of Perry and Letcher.

County line between Perry & Letcher changed.

Approved February 3, 1858.

CHAPTER 201.

AN ACT to amend section 241 of the Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That where it appears by the affidavit of the plaintiff, or by the return of an order of attachment, that no property is known to the plaintiff or the officer, on which the order of attachment can be executed, or not enough to satisfy the plaintiff's claim, the defendant may be required, by the court, to attend before it, and give information, on oath, respecting his property; and where it also appears, by the affidavit of the plaintiff, that some person, other than the defendant, has in his possession property of the defendant, or evidences of debt, such person may also be required by the court to attend before it, and give information, on oath, respecting the same.

Debtor against whom an attachment has been issued may be required to make discovery of his property.

§ 2. This act shall take effect from its passage.

Approved February 3, 1858.

CHAPTER 202.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of seven thousand and five hundred dollars be and the same is hereby appropriated to the Kentucky Institution for the Education of the Blind, to be paid to the Board of Visitors thereof, to enable them

\$7,500 appropriated to erect heating apparatus, &c.

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to erect heating apparatus, water closets, &c., in the main edifice of said Institution, according to the original plan of said edifice, approved by the Governor of this Commonwealth, and by the Board of Commissioners appointed by the state authorities, in the year 1852, to recommend to the Governor a plan of a suitable building for said Institution; and the Auditor is hereby directed to issue his warrant on the treasury for the aforesaid amount, to be paid out of any money not otherwise appropriated.

§ 2. And this act shall take effect from and after its passage.

Approved February 3, 1858.

CHAPTER 204.

AN ACT to amend the second section of article 63, of the Revised Statutes, entitled "Limitation of Actions and Suits."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Revised Statutes, 458.

That the provisions of chapter 63, of the Revised Statutes, shall extend to, and embrace all cases in which the right of action accrued, whether before or after the Revised Statutes took effect, from and after the first day of August, 1859.

Approved February 4, 1858.

CHAPTER 206.

AN ACT to prevent the destruction of fish in Kentucky river, and its tributaries.

WHEREAS, Great and wanton destruction of fish is made by persons with seines and set-nets at certain stages of the water below the several locks and dams of the Kentucky river, thereby wasting and destroying the fish in great numbers, and preventing their passage up the said river and their distribution into the smaller streams. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to take fish by seines or nets.

§ 1. That it shall not be lawful for any person or persons to haul a seine or stretch a set-net for taking fish, at any point in the Kentucky river below any of the locks and dams on said river, or within half a mile of the mouth of any tributary stream between the mouth of the Kentucky river and lock and dam No. 5, on said river.

Penalty.

§ 2. That each and every person who shall be guilty of a violation of this act, shall, for each and every such offense, be subject to a fine of fifty dollars, recoverable by

warrant in the name of the Commonwealth of Kentucky, before any Justice of the Peace.

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§ 3. That it shall be the duty of each of the several lock-keepers to prosecute, for any violation of this act which may come to his knowledge, and in case of his failure to do so, any other person may prosecute; and, in case of conviction, one-half of the fine shall enure to the benefit of the prosecutor.

Duty of lock keepers.

§ 4. Whenever the Justice issues his warrant under this act, he shall also issue an attachment, directing and empowering the officer to seize and attach the set-nets or seines used by the offending party, and hold the same until the warrant is disposed of, when they shall be exposed to sale for the satisfaction of the judgment, if judgment is rendered against the defendant.

Warrant and attachment may be issued.

§ 5. That this act shall take effect from and after its passage.

Approved February 4, 1858.

CHAPTER 226.

AN ACT to provide for holding additional Circuit Courts in Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in addition to the Circuit Courts now held in the county of Kenton, two terms of said court shall be held in Covington, viz: On the third Mondays in June and December, and continue each twelve juridical days, if the business of the court shall require it.

Approved February 6, 1858.

CHAPTER 232.

AN ACT permitting the sale of real estate at the door of the Court House in the city of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when the Sheriff, or other officer, of Campbell county shall levy upon lands lying in the city of Newport, or within five miles thereof, by virtue of any execution in his hands, he may sell the same at the door of the court house in the city of Newport, instead of at the court house in Alexandria, the county seat, as now provided by law.

Sheriff may sell lands at Newport.

§ 2. Such Sheriff, or other officer, shall make such sales, only, on the second Saturday in any month in the year, instead of on the first day of a Circuit or County Court.

Sales to be made second Saturday of the month.

§ 3. Such Sheriff, or other officer, shall not make such sales until he shall have advertised the same, and done all

Sales to be advertised.

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other things now required by law to be done in such cases; and the said sale shall be subject to all and singular the conditions and restrictions now provided by law.

§ 4. This act shall take effect from and after the first day of April next.

Approved February 6, 1858.

CHAPTER 237.

AN ACT to amend the 42d chapter of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rev. Stat. 367.
Penalty on
white person
playing games
with negroes or
mulattoes.

Conviction dis-
qualifies person
from serving on
juries.

Penalty for
gaming with ne-
groes or slaves.

Free negro
gaming guilty of
a misdemeanor.

General reputa-
tion sufficient to
prove freedom.

§ 1. That any free white person, who shall play with any negro, or mulatto, any game of cards, or with dice, or at any other game whatever, whereby money, or other thing of value shall be bet, won, or lost, shall be fined not less than fifty nor more than one hundred dollars, and disqualified from holding any office; and whosoever shall be convicted of playing cards with negroes or mulattoes shall be disqualified to serve on juries for ten years after such conviction.

§ 2. That any free white person, who shall play at any game of cards, or with dice, or at any other game whatever, with any free negro or slave, shall, upon conviction thereof, be fined not less than ten nor more than twenty dollars.

§ 3. That any free negro, who shall play at any game of cards, or with dice, or at any other game whatever, with any white person, free negro, or slave, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty nor more than one hundred dollars.*

§ 4. That whenever any person is indicted under the third section of this act, proof that such person is generally considered and believed by the community in which he lives to be a free man, and that he goes at large, and acts as such, will, unless rebutted by other competent testimony, be sufficient to authorize a conviction.

§ 5. That all laws in conflict with the provisions of this act are hereby repealed.

Approved February 6, 1858.

*By an act passed March 8, 1856, Session Acts 1855-6, page 75, a different penalty is fixed.

CHAPTER 244.

1858.

AN ACT for the benefit of the Circuit Judge and Attorney for the Commonwealth, for the 10th Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Secretary of State to furnish to the Circuit Judge of the 10th Judicial District all the books to which he may be entitled by law, and which he may not have received, whenever an affidavit of said Judge and an order of his court shall be produced to the said Secretary specifying what books have not been received by said Judge.

Judge of the 10th district to be furnished with books.

§ 2. It shall also be the duty of the Secretary of State to furnish to the Attorney for the Commonwealth for said District such books as he may not have received, upon his producing to said Secretary a similar affidavit and order, as provided for in the first section.

Also the Attorney for Commonwealth.

Approved February 9, 1858.

CHAPTER 245.

AN ACT to amend section 846 of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 846 of the Civil Code of Practice, be and the same is hereby amended as follows, to-wit: Whenever any execution has issued from a Quarterly Court, and been placed in the hands of the proper officer for collection, and has been by him returned in whole or in part, in substance "no property found," the Presiding Judge shall, on the application of the plaintiff, or his agent or attorney, furnish a certified copy of the judgment, execution, and return, which shall be filed and recorded in the Clerk's office of the Circuit Court, and execution issued thereon in the same manner as is now provided in said section; and the proceedings on the judgment and execution shall be, thereafter, the same, in every respect, as if the action had been originally instituted in the Circuit Court. This amendment shall apply to all former judgments in the Quarterly Courts.

Section 846 Civil Code amended.

Copies of judgments of Quarterly Courts may be filed in Circuit Court office, and executions issued thereon.

§ 2. This act to take effect from and after its passage.

Approved February 9, 1858.

CHAPTER 247.

AN ACT to amend the law of Costs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That whenever any of the Courts of this Commonwealth shall dismiss an action or other proceedings, for

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Costs to be given on dismissal for want of jurisdiction.

want of jurisdiction over the subject matter, or person of the parties, said courts shall, nevertheless, have power to adjudge costs against the unsuccessful party.*

Approved February 9, 1858.

CHAPTER 252.

AN ACT for the benefit of George W. Kouns, of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall and may be lawful for George W. Kouns, of Carter county, to institute in the Franklin Circuit Court the proper action against the State of Kentucky for the recovery of damages which he claims to have sustained, in consequence, of an alledged violation, by the State, of a contract made by the President of the Board of Internal Improvement with said Kouns, dated 13th day of October, 1852, in relation to the Owingsville and Big Sandy turnpike road.†

George W. Kouns authorized to sue the State.

Approved February 9, 1858.

CHAPTER 264.

AN ACT to improve the navigation of the Kentucky river.

Whereas, it appears that the navigation of the Kentucky river is greatly obstructed by two rocks—one at the Rock Shoal, and the other known as Tincher's Rock—whereby great loss is frequently occasioned to the citizens, above said Rocks, who are engaged in transporting coal, salt, and lumber down said river. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of three hundred dollars be appropriated to the removal of the first named rock, and the sum of four hundred dollars be appropriated for the removal of the last named rock, out of any money in the treasury not otherwise appropriated.

§ 2. That John G. McGuire, Harry I. Todd, Samuel South, be and they are hereby appointed Commissioners to superintend the removal of said rocks and the appropriation of said money; and they are hereby authorized to let out the contract for the removal of said rocks to the

Appropriation to remove two rocks in Kentucky river.

McGuire, Todd, and South Commissioners to superintend the work.

*This is an amendment to chapter 25, Revised Statutes, 202, title "Costs."

†The constitutions of 1792, 1799, and 1849 authorized the General Assembly to pass a law directing "in what manner, and in what courts suits may be brought against the Commonwealth;" and this is the first act passed authorizing such an action.

lowest bidder, or to employ hands under their own supervision to do said work, as in their judgment they may think best.

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§ 3. That when said rocks are removed, and the work completed to the satisfaction of said Commissioners, they shall make a report, under oath, to the Auditor of Public Accounts of the fact, that said work is completed, and the amount that the same cost, and thereupon the Auditor shall issue his warrant upon the Treasury in favor of said Commissioners for the amount that said work cost, not exceeding the sums named in the first section of this act.

§ 4. That if either of said Commissioners fail to act, or to attend at any of the meetings appointed, any two of them may proceed as though all three were present; and they shall, as soon as practicable, proceed, to the completion of said work.

Approved February 9, 1858.

CHAPTER 266.

AN ACT requiring certain Bonds to be recorded in Circuit and Chancery Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all bonds required by law to be executed in equitable actions in the Circuit or Chancery Courts, by officers of court or by the parties or their guardians or committees, except bonds for costs, shall be recorded by the Clerk of the court in which the bonds shall be given in a book kept for that purpose. The record of each bond shall be headed with the style of the action in which it is taken, and followed by the certificate of the Clerk of the acknowledgment of the obligors before the Clerk. A cross index to said book, in the names of the plaintiffs and defendants named in the style of the action, shall be made and kept by the Clerk.

Certain bonds
to be recorded
by Clerks.

And indexed.

§ 2. That the Clerk shall be entitled to a fee of thirty cents for the whole service hereby required as to each bond, to be taxed as part of the costs.

Fee.

Approved February 9, 1858.

CHAPTER 268.

AN ACT to authorize the appointment of Guardians by Clerks of Circuit and Chancery Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That during the vacation of their courts, the Clerks of Circuit and Chancery Courts shall have the same power

Clerks of Cir-
cuit and Chan-

1858.

every Court may
appoint guardians
ad litem in
vacation.

of appointing Guardians, *ad litem*, for infant defendants who have been summoned in the action, that their respective courts or the Judges thereof now have; but the court or Judge shall have full power to change the guardians so appointed by appointing others in their stead, whenever the interest of the infants requires such a change. The Clerk shall endorse the name of the Guardian and the date of his appointment upon the petition.

Approved February 9, 1858.

CHAPTER 269.

AN ACT to extend the time of holding the Henderson Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act the Henderson Circuit Court shall continue thirty-six instead of twenty-four juridical days at each of its terms, if the business of said Court, at its said terms, shall require it.

Approved February 9, 1858.

CHAPTER 270.

AN ACT to establish Equity and Criminal Courts in the 4th Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

An Equity and
Criminal Court
established in
every county in
4th district.

§ 1. That there shall be established in every county in the fourth judicial district, a court to be called the Equity and Criminal Courts of the fourth Judicial District of Kentucky; which shall have jurisdiction of all equity, criminal, and penal business, as the Circuit Courts now have, or may have, with all the powers and duties of Circuit Courts in such business. And all the business in the circuit courts of the counties of said Equity and Criminal Court district, of which the Equity and Criminal Courts have jurisdiction under this act, may be transferred from the Circuit Courts to the Equity and Criminal Courts, and shall be conducted and tried in the manner, and under the rules and regulations applicable to its conduct and trial in the courts in which it was begun; and the provisions of the Code of Practice, as to the transfer of business from the Jefferson Circuit Court to the Louisville Chancery Court, shall apply to the transfer of business from the Circuit Courts to said Equity and Criminal Courts.

And cases transferred to the
proper docket.

Elections of
Judge.

§ 2. There shall be elected in said Equity and Criminal Court district, by the qualified voters therein, on the first Monday in August, 1858, a judge, who shall hold

said Equity and Criminal Courts; and the election shall be held at the places, and under the rules and regulations applicable to the election of Circuit Judges; said Judge shall have the same qualifications required for a Circuit Judge, and the same powers in respect to the business of which this act gives him jurisdiction; and he shall hold his office during the same term as a Circuit Judge; and the successor of said Judge shall be chosen as the successor of a Circuit Judge is chosen.

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§ 3. The salary of said Judge of the Equity and Criminal Courts shall be eighteen hundred dollars per annum.

Salary of Judge.

§ 4. The Clerks of the Circuit Courts, Sheriffs, and all other officers, in said Equity and Criminal Court district, shall perform the same duties, as to said Courts, and under the same liabilities and penalties, as such officers are or may be bound to perform similar duties as to Circuit Courts. The general laws as to the fees of officers shall apply to said courts.

Clerks and Sheriffs of Circuit Courts to perform duties in Equity Courts

§ 5. The said Equity and Criminal Court shall have a seal, and is hereby declared a Court of Record; and its proceedings shall be authenticated as the proceedings of Circuit Courts are authenticated.

Seal.

§ 6. *Provided*, That the term of office of the first judge elected under this act, shall expire at the same time the term of office of the Circuit Judge for said district expires; and, at every regular election of Circuit Judge, thereafter, a Judge of the Chancery and Criminal Courts, provided for under this act, shall be elected.

Term of office of Judge.

Approved February 9, 1858.

CHAPTER 273.

AN ACT concerning the jurisdiction of Justices of the Peace in regard to Breaches of the Peace.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the jurisdiction of Justices of the Peace, in cases of riots, routs, and breaches of the peace, according to the provisions of sub-division 4, of section 1, article 18, title, "Crimes and Punishments," of the Revised Statutes, is hereby declared to be unrepealed by the Criminal Code of Practice, and to continue as provided in the Revised Statutes.

Revised Statutes 202.

Approved February 9, 1858

1858.

CHAPTER 274.

AN ACT imposing a tax upon billiard tables.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Billiard tables
may be licensed

§ 1. That, hereafter, the County Courts of this Commonwealth shall have power to grant licenses for billiard tables to be kept in their respective counties, outside of the corporate limits of the incorporated cities and towns of such counties.

Amount to be
paid.

§ 2. Before any license for a billiard table, authorized by the 1st section of this act, shall take effect, the grantee thereof shall pay to the Clerk of the County Court granting such license the sum of one hundred dollars.

Cities & towns
may license billiard tables.

§ 3. All incorporated cities and towns shall have power to grant licenses for billiard tables, to be kept within the corporate limits of such cities and towns, and may, by ordinance, prescribe the rates to be paid for such license, and make such other provisions concerning billiard tables to be kept in their respective corporate limits as they may deem advisable: *Provided*, That in all such cases, before the license aforesaid takes effect, the grantee thereof shall pay to the Clerk of the County Court the sum of one hundred dollars, and take his receipt therefor.

Clerks of County Courts to account for moneys received.

§ 4. The Clerks of the County Courts shall account for the moneys which may be received by them under this act as for other taxes, and the same shall be carried to the credit of the Sinking Fund of the State of Kentucky. For receiving the money and issuing the license, or executing the receipt aforesaid, the Clerk shall receive the sum of one dollar in each case, to be paid by the applicant.

Betting prohibited.

§ 5. That if any person, or persons, who shall be licensed to keep a billiard table, shall knowingly allow or permit any betting on the games played on such tables, he shall be liable to indictment and fine as provided against the keeper of gaming tables, and shall forfeit the license; and any person who shall bet thereon shall be liable as provided by law against persons betting at unlawful games.

Spirituuous liquors not to be sold in room with billiard table.

§ 6. That no spirituuous liquors are to be sold in the room in which said table or tables are kept, under penalty of a forfeiture of the license aforesaid; and the person, or persons, so offending, shall be indicted for keeping a tippling house.

No playing on Sabbath.

§ 7. That no game shall be permitted to be played on such tables on the Sabbath day, under the penalty of an absolute forfeiture of the license.

Approved February 9, 1858.

CHAPTER 277.

1858.

AN ACT concerning the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Court of Appeals shall have jurisdiction over all judgments (in actions,) for the recovery of money or personal property, where the value in controversy is fifty dollars, or over that amount.

Jurisdiction in civil actions increased.

§ 2. That the Court of Appeals shall have jurisdiction over the judgments in penal actions and prosecutions where the fine is fifty dollars, or over that amount.

In penal cases, jurisdiction increased.

§ 3. That the terms of the Court of Appeals shall be seventy-eight judicial days.

Terms lengthened.

§ 4. That the salary of a judge of the Court of Appeals shall be twenty-five hundred dollars per annum.

Salary increased

Approved February 9, 1858.

CHAPTER 278.

AN ACT requiring Tax Assessors to furnish Statistical Agricultural Information.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the 10th day of January, 1859, and every year thereafter, the Assessors of Tax shall report the pounds of tobacco and hemp, the tons of hay, the bushels of corn, wheat and barley, and the tons of pig metal, blooms and bar iron raised or manufactured during the preceding year; for which services they shall receive two cents for each list so taken; and that the forms of the Commissioners' books be changed accordingly.

Assessors to report agricultural and other products.

Approved February 9, 1858.

CHAPTER 280.

AN ACT to amend the charter of the Kentucky State Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the ninth section of an act, entitled "an act to incorporate the Kentucky State Agricultural Society, and to give encouragement to all the arts and sciences connected therewith," as requires the annual meeting of said Society to be held on the second Wednesday in January of each successive year, be and the same is hereby repealed; and the annual meetings of said Society shall hereafter be held on the Wednesday after the day fixed by law for the day of the meeting of the General Assembly of Kentucky.

Session acts 1855-6, page 93.

- 1858.** § 2. That the appropriation of \$5,000 per annum be
Appropriation. continued for two years longer.
§ 3. This act shall take effect from its passage.
Approved February 9, 1858.
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CHAPTER 294.

AN ACT to increase the compensation of Processioners of Land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Processioners of Land in this Commonwealth be allowed two dollars per day for their services in processioning land, from and after the passage of this act.

Approved February 9, 1858.

CHAPTER 301.

AN ACT to change the time of holding County Court in Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Harrison county shall, from and after the first day of March, 1858, be held on the second Monday of each month; and that all laws to the contrary be hereby repealed.

Approved February 11, 1858.

CHAPTER 307.

AN ACT to change the law authorizing the Judge of the Campbell County Court to hold Special Terms of the Quarterly Courts of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, approved March 6th, 1854, authorising the Presiding Judge of the Campbell County Quarterly Court to hold four terms of said Court, to-wit: on the first Monday of March, June, September and December, in each year, be and the same is hereby repealed. This act to take effect from its passage.

Approved February 11, 1858.

CHAPTER 308.

1858.

AN ACT changing the terms of the Hopkins County Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Quarterly Courts of Hopkins county be so changed as to meet, after the March term of 1858, on the first Tuesday in May, August, November and February following. This act to take effect from and after the March term of 1858.

Approved February 11, 1858.

CHAPTER 309.

AN ACT to change the time of holding the Henry County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, it shall be lawful for the County Courts of Henry county to be held on the first Monday in each month.

Approved February 11, 1858.

CHAPTER 312.

AN ACT to change the time of holding the Quarterly Courts of Green county

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, the Quarterly Courts for the county of Green shall be held on the Tuesdays after the third Mondays in the months of February, May, August and November, in each year.

§ 2. This act to take effect from its passage.

Approved February 11, 1858.

CHAPTER 313.

AN ACT to change the time of holding Allen County Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the terms of the Allen County Quarterly Courts shall commence on the second Tuesday, instead of the first Mondays, in each month in which they are now required to commence in said county. This act to take effect from its passage.

Approved February 11, 1858.

1858.

CHAPTER 315.

AN ACT to change the time of holding the Quarterly Court in Jessamine County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Quarterly Courts of the County of Jessamine shall be held on the second Monday in the months of February, May, August, and November, instead of the first Monday of these months as heretofore provided. This act shall take effect from the first day of May next.

Approved February 11, 1858.

CHAPTER 318.

AN ACT to regulate the time of holding Circuit Courts in the Eighth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Franklin.

§ 1. That the Circuit Courts for Franklin County shall, after their March term, 1858, begin on the fourth Mondays in February, the second Mondays in June and October, and continue twelve juridical days at each term.

Gallatin.

§ 2. And the Circuit Court for Gallatin County shall, after their May term, 1858, be held on the second Mondays in March and August.

Approved February 11, 1858.

CHAPTER 325.

AN ACT to change the time of holding the Green County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the February and August terms of the Green County Court shall hereafter be held on the 3rd Mondays in said months, instead of the 4th Mondays as now held; and that all process and proceedings therein shall be directed accordingly.

Approved February 11, 1858.

CHAPTER 326.

AN ACT to amend an act, entitled, an act to define the jurisdiction of the Louisville Chancery Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amendment to
chapter 22.

§ 1. That the act, entitled, an act to define the jurisdiction of the Louisville Chancery Court, approved De-

ember the 19th, 1857, shall not be so construed as to apply to any suit or proceeding which may have been pending at the time said act was approved.

1858.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1858.

CHAPTER 328.

AN ACT to change the time of holding the Quarterly Court in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the first day of March next, the Quarterly Court in and for Carroll county, shall be held on the fourth Mondays in January, April, July, and October, in each year, instead of the time heretofore fixed by law; and shall continue from day to day, at each term, until the business of the court shall have been completed.

Approved February 11, 1858.

CHAPTER 331.

AN ACT to amend section 1, article 3, chapter 32, title "Elections," of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter, so long as there are two distinct political parties in this Commonwealth, the Sheriff, Judges and Clerk of election, in all cases of elections by the people, under the Constitution and laws of the United States, and under the Constitution and laws of Kentucky, shall be so selected and appointed as that one of the Judges at each place of voting shall be of one political party, and the other Judge of the other, or opposing political party; and that a like difference shall exist at each place of voting between the Sheriff and Clerk of election: *Provided*, That there be a sufficient number of the members of each political party resident in the several precincts, as aforesaid, to fill said offices. And this requirement shall be observed by all officers of this Commonwealth who have the power to appoint any of the aforesaid officers of election, under the penalty of a fine of one hundred dollars for each omission, to be recovered by presentment of the Grand Jury.

Rev. Stat. 225.

Each political party to be represented at elections.

Approved February 11, 1858.

1858.

CHAPTER 332.

AN ACT to change the time of holding the Quarterly Courts in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, the Judge of the Pendleton County Court shall hold the quarterly terms on the third Mondays in February, May, August and November, instead of the time now fixed by law.

Approved February 11, 1858.

CHAPTER 337.

AN ACT in regard to duties of Trustees of the Jury Fund and Commonwealth's Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Duties of trustees of jury fund

§ 1. That hereafter it shall be the duty of the Trustees of the Jury Fund, for the several counties of this Commonwealth, within ten days after the adjournment of every Circuit Court, to make out in a book, to be kept by him for that purpose, a correct list of all judgments in behalf of the Commonwealth, showing the names of persons against whom they are rendered, the amount of such judgments, and the term of the court at which they are rendered; which book shall be kept as belonging to his office and handed over to his successor in office, as other records are required by law to be delivered.

Trustees to call on their respective Sheriffs for moneys by them collected.

§ 2. That it shall be the duty of said Trustee, twenty days before each term of the Circuit Court, to call upon any Sheriff for all sums collected by him which belong to the Jury Fund, and to examine the execution book of the Circuit Court Clerk's office, to see what executions are due as by return day; and for every failure or refusal on the part of said Sheriff to pay over sums so collected, and for failing to return executions in behalf of the Commonwealth, for the time now provided by law, said trustee shall immediately give notice, as now provided by law, that he will, on the second day of the next succeeding term of the Circuit Court, move the Court to render judgment for every such failure in duty, according to the existing provisions of law in regard to such motions against Sheriffs, for such neglect of duty.

Motion may be made against Sheriff.

Commonwealth Attorney to give advice to trustee of jury fund.

§ 3. It shall be the duty of the Attorney for the Commonwealth to give said Trustee all necessary advice in regard to such motions, and to prosecute them when set on foot; and for his services in such motions he shall receive five per cent., and said Trustee a like sum, out of the twenty per cent. damages imposed by law for such failures in duty.

§ 4. All laws now existing, whereby Attorneys for the Commonwealth receive any portions of fines or judgments on forfeited recognizances, are hereby repealed; and hereafter he shall receive, to his own use, thirty per cent. of all judgments, but no taxed attorney's fee, unless such judgment is less than fifty dollars, and then he shall receive a fee of five dollars, to be taxed as costs. But in cases where the Court renders judgment without the intervention of a jury, no attorney's fee shall be charged.

1858.

Compensation to Commonwealth's Attorneys.

§ 5. This act shall not be so construed as to repeal any law now requiring the performance of any duty at the hands of said Trustees and Commonwealth's Attorneys; and they are required to perform the duties imposed on them by this act, under the same penalties that they are now required by law to discharge their other duties. This act to take effect from its passage. .

Approved February 11, 1858.

CHAPTER 338.

AN ACT in relation to fees of Commonwealth Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the law concerning fees of Commonwealth's Attorneys be so amended, that it shall not be lawful for any such Attorney to receive, for his own use, any portion of any fine, forfeiture, or recovery, in the name of the Commonwealth, and to which, by existing laws, he is entitled to a part, untill the collecting officer shall have received the same, unless that portion belonging to the Commonwealth shall be remitted by the Governor; and it is hereby further provided, that when, by reason of insolvency or absconding, only a portion of a fine or forfeiture can be collected, then the Attorneys for the Commonwealth shall receive, *pro rata*, their shares of such fraction of the fine.

Commonwealth Attorney not to receive any portion of fine until collected.

If part is collected, he is to receive *pro rata*.

§ 2. It shall be lawful for any person on whom a fine has been inflicted by the judgment of any court, to pay the same, with the costs thereon, to the Trustee of the Jury Fund of the county in which said judgment was rendered, before any execution shall have been issued thereon; and upon such payment said Trustee shall enter satisfaction of said judgment, and he and his sureties shall be liable for the money thus received.

Trustee of jury fund may receive fine before execution issues

Approved February 11, 1858

1858.

CHAPTER 342.

AN ACT to provide for establishing County Courts in Covington.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*County Courts
for Kenton to
be held in Cov-
ington.

§ 1. That, in addition to the County Courts now held in the county of Kenton, the Presiding Judge of said county shall hold, annually, twelve terms of the Kenton County Court in the City of Covington. They shall be held at the court house on the second Monday of each and every month; and said judge may adjourn said court from day to day, and from time to time, if the business requires it; and he shall have power to call and hold special terms of said court in said city, and for such times as the business may require. But no Court of Claims shall be held in Covington.

Clerk of County
Court to keep
an office in Cov-
ington.

§ 2. The Clerk of said County Court shall keep a distinct docket and record books for the terms held at Covington, in which shall be recorded all the business done in said court, in the same manner and to the same effect, that records are now kept in County Court Clerk's Offices. The clerk shall keep an office in Covington, at such place as said city may provide, in which office he shall keep the records of said court. The duties herein enjoined upon the Clerk of said County Court may be performed by his deputy.

Process, where
returnable.

§ 3. Every process, in reference to causes to be tried or pending in the court at Covington, or for the execution of its judgments, shall be returned and returnable at Covington; and the Sheriff and his deputies shall attend said court.

City of Covington
to pay ex-
penses.

§ 4. The City of Covington shall pay the Presiding Judge of the County Court such reasonable sum for his services, in holding said courts, as the City Council of said city may annually determine. And all the other expenses for holding said court in Covington, which otherwise would be paid out of the county levy, shall be paid by said City of Covington.

Approved February 11, 1858.

CHAPTER 344.

AN ACT adding Jackson County to the Twelfth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the county of Jackson be and ~~is~~ hereby added to the Twelfth Judicial District of this Commonwealth.

Approved February 11, 1858.

LAWS OF KENTUCKY.

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CHAPTER 349.

1858.

AN ACT defining the jurisdiction of the M'Cracken County Judge.

Whereas, doubts exist as to whether the County Judge of M'Cracken county, at his quarterly terms, has jurisdiction to try steamboat cases, when the amount in controversy does not exceed one hundred dollars. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Judge of the M'Cracken county Quarterly Court shall have concurrent jurisdiction, in all steamboat cases, with the Circuit and Equity courts, where the amount in controversy does not exceed one hundred dollars; and the laws now in force, applicable to such cases in the Circuit and Equity Courts, shall apply to and govern the said cases brought in the Quarterly Court of said county. This act shall be in force from its passage.

Approved February 11, 1858.

Quarterly Court of M'Cracken county has jurisdiction in steamboat cases.

CHAPTER 350.

AN ACT to amend chapter 42 of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That nothing in said chapter 42, of the Revised Statutes, shall be construed as applying to any billiard tables kept by any citizens of this Commonwealth, in their own houses, for the amusement of themselves or their families, and not kept or used for hire or profit, directly or indirectly.

Approved February 11, 1858.

Revised Statutes 371.

CHAPTER 351.

AN ACT authorizing Justices of the Peace to take depositions in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Justices of the Peace of this Commonwealth be and they are hereby authorized and fully empowered to take depositions, in all cases of law and equity, the parties consenting, in writing, to be made part of the record; and the laws in force relating to examiners shall, in such cases, apply to Justices of the Peace.

Approved February 11, 1858.

Amendment to Civil Code, page 171.

1858.

CHAPTER 391.

AN ACT for the benefit of Thos. W. Robinson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the county line between the counties of Green and Taylor be so changed as to include the residence of Thos. W. Robinson in Taylor county.

Approved February 12, 1858.

CHAPTER 394.

AN ACT to regulate the holding of the Circuit Courts in the Twelfth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the first day of August, 1858, the Circuit Courts in the Twelfth Judicial District of this Commonwealth shall commence at the following times, and be held the following number of juridical days, in each year, viz:

Rockcastle. In the county of Rockcastle on the last Monday in February, and continue twelve juridical days, and on Thursday after the first Monday in August, and continue nine juridical days.

Laurel. In the county of Laurel on the second Monday in March, and continue twelve juridical days, and on the third Monday in August, and continue six juridical days.

Whitley. In the county of Whitley on the fourth Monday in March and August, and continue six juridical days at each term, except, when there are five Mondays in either of said months said court shall continue twelve juridical days.

Knox. In the county of Knox on the first Mondays in April and September, and continue eleven juridical days at each term.

Harlan. In the county of Harlan on the third Mondays in April and September, and continue six juridical days at each term.

Letcher. In the county of Letcher on the fourth Mondays in April and September, and continue six juridical days at each term.

Perry. In the county of Perry on the first Mondays in May and October, and continue six juridical days at each term.

Breathitt. In the county of Breathitt on the second Mondays in May and October, and continue six juridical days at each term.

Owsley. In the county of Owsley on the third Mondays in May and October, and continue eight juridical days at each term.

In the county of Estill on Thursdays after the fourth Mondays in May and October, and continue nine juridical days at each term.

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Estill.

In the county of Jackson on the first Mondays after the terms of the Estill Court, and continue six juridical days at each term.

Jackson.

In the county of Clay on the first Mondays after the terms of the Jackson Court, and continue twelve juridical days at each term: *Provided*, that none of said courts shall continue in session longer than the business thereof may require.

Clay.

Approved February 12, 1858.

CHAPTER 396.

AN ACT to regulate the terms of the Circuit Courts, and the Equity and Criminal courts, in the 4th Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the times and places of holding the terms of the Circuit Courts, and the Equity and Criminal Courts in the 4th Judicial District, shall be as follows, to-wit:

1. In the county of Logan, the Circuit Courts on the first Mondays in April and October, and the Equity and Criminal Courts on the first Mondays in July and January, and continue, each, twelve juridical days, except the July term of the Equity and Criminal Court, and that that continue eighteen juridical days.

Logan.

2. In the county of Warren, the Circuit Courts on the first Mondays in May and November, and the Equity and Criminal Courts on the first Mondays in August and February, and continue, each, eighteen juridical days.

Warren.

3. In the county of Barren, the Circuit Courts on the first Mondays in March and September, and the Equity and Criminal Courts on the first Mondays in June and December. The terms of the Circuit Courts to continue, each, twenty-four juridical days, and the Equity and Criminal Courts, each, eighteen juridical days.

Barren.

4. In the county of Butler, the Circuit Courts on the fourth Mondays in May and November, and the Equity and Criminal Courts on the fourth Mondays in August and February, and continue, each term, six juridical days.

Butler.

5. In the county of Allen, the Circuit Courts on the third Mondays in April and October, and continue, each, twelve juridical days, and the Equity and Criminal Courts on the fourth Mondays in July and third Mondays in January, and continue, each, six juridical days.

Allen.

6. In the county of Simpson, the Circuit Courts on the first Mondays in June and December, and continue, each,

Simpson.

1858.

twelve juridical days, and the Equity and Criminal Courts on the first Mondays in September and March, and continue, each, twelve juridical days.

Edmonson.

7. In the county of Edmonson, the Circuit Courts on the third Mondays in June and December, and the Equity and Criminal Courts on the third Mondays in September and March, and continue, each, six juridical days.

Monroe.

8. In the county of Monroe, the Circuit Courts on the first Mondays in July and January—the July terms to continue six juridical days and the January terms to continue twelve juridical days, and the Equity and Criminal Courts on the first Mondays in October and April, and continue, each, six juridical days.

Hart.

9. In the county of Hart, the Circuit Courts on the second Mondays in July and third Mondays in January, and continue, each, twelve juridical days, and the Equity and Criminal Courts on the second Mondays in April and October, and continue, each, twelve juridical days.

§ 2. This act to take effect from and after the first day of next September.

Approved February 12, 1858.

CHAPTER 398.

AN ACT regulating the sale of partnership property, taken in execution, for the separate debt of one of the partners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Duty of Sheriff
on executions
when levied upon
partnership
property.

§ 1. That whenever a Sheriff, or other officer, shall levy an execution upon property or effects held jointly or in partnership by the debtor, in the execution with others, to satisfy the separate debt of such debtor, the sheriff or other officer shall not proceed to make sale thereof except as hereinafter provided, if the person or persons, or any of them holding such joint or partnership interest with the debtor, shall assert an equitable or other claim thereto, and, in writing, notify the officer of the existence of such claim.

Notice to be
given to the
joint owner.

§ 2. When any such levy is made the officer shall give notice thereof, in writing, to the other joint owners or partners, if resident in his county, or to the agent, if any, of any such joint owners or partners who are absent or non-resident; and if such joint owners or partners shall, thereafter, for the space of fifteen days, fail to give the officer notice of his claim, the officer shall then proceed to advertise and sell the property so levied upon.

Joint owner not
to be deprived
of possession,
except, &c.

§ 3. When a claim is asserted by the joint owners or partners to the property levied upon, the officer shall not, by virtue of his levy, deprive the joint owners or partners of the possession of the property levied upon, except for

the purpose of making an inventory thereof, and having the same appraised.

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§ 4. The officer shall proceed to have the property levied upon appraised as provided in section 714, of the Civil Code. He shall return the inventory and appraisal with the execution to the office from which it issued; and in his return shall state all the facts connected with the levy by him, and the claim, if any, set up by the joint owner or owners.

Appraisalment to be returned.

§ 5. The execution creditor shall have a lien upon the property levied upon, such as is given by law to executions in the hands of the officer, and which shall continue until the levy is disposed of.

Lien of execution creditor.

§ 6. Upon the execution being returned by the officer, that he had levied the same upon property in which the debtor was joint owner or partner, and that the same was claimed by the other joint owners or partners, the execution creditor may proceed, by equitable proceedings, to subject to the satisfaction of his execution the interest of the debtor so levied upon.

Creditor may sue in equity.

§ 7. If such creditor, at the commencement of his action, or afterward, shall file an affidavit that he verily believes the property levied upon will be removed from the county, or sold, or otherwise disposed of, with intent fraudulently to defeat his lien, the court, or the Circuit Judge thereof, in vacation, or the Presiding Judge of the County Court, may make an order directing the officer to possess himself of the property levied upon, unless bond with approved security shall be executed to the plaintiff in the execution, binding the obligors in said bond to have the same forthcoming in obedience to any order or judgment of the court in the action, which bond shall be taken by the officer, and returned by him to the court in which the action is pending.

Creditor may have the property seized by the Sheriff.

§ 8. This act shall take effect from and after its passage.

Approved February 12, 1858.

CHAPTER 399.

AN ACT to amend an act to amend the law regulating the sale of spirituous, malt, and vinous liquors to free negroes and slaves, approved February 27, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That County Court and Police Judges, and Justices of the Peace, shall have jurisdiction for the trial of violations of the above recited act; and whenever either of these officers, upon their own view or knowledge, or upon information of others, upon oath, shall have reason to

Session acts 1856-6, page 42. Jurisdiction given to County Court and Police Judges and Justices of the Peace.

1858. believe that any person has violated any of the provisions of the law aforesaid, within their respective counties, it shall be his duty to issue his warrant, directed to the Sheriff, Town Marshal, or any Constable of the county, commanding him to summon the person so offending to appear before the Judge or Justice, on the day named in the warrant, to answer the charge; and to summon a jury for the trial of the case. If the defendant is found guilty of the charge, the officer before whom the warrant is returned, shall enter a judgment for the fine imposed by the finding of said jury, under said act, and all costs, one-half of which fine shall go to the informer, and the other half to the trustee of the jury fund.

Judgment forfeiting license.

And stand committed until fine is paid, if not replevied.

County Court cannot grant license to any person convicted under this act.

Person violating the act guilty of a misdemeanor.

§ 2. The officer trying the case, as directed in the foregoing section, shall enter a judgment forfeiting the defendant's license to sell spirituous liquors, if any have been granted to him. When the defendant appears at the trial, and is fined by the court or officer trying him, he shall stand committed to the jail of the county, until the fine and costs are paid. The defendant, however, may be permitted to replevy said fine and costs for three months, as other fines are now authorized to be replevied, by giving good security. A *capias ad satisfaciendum* may issue upon all judgments authorized by this act, and the act to which this is an amendment, and upon replevin bonds taken under the same.

§ 3. That none of the County Courts of the Commonwealth shall have power to grant a license to sell spirituous liquors to any person who may have been convicted under this act, or the act to which this is an amendment, until three years after the said conviction.

§ 4. That whoever shall violate the first section of the act to which this is an amendment, shall be guilty of a misdemeanor, and upon conviction thereof, upon presentment by a grand jury, shall be fined in a sum of not less than twenty nor more than fifty dollars, at the discretion of a jury, for each offense; or the said fine may be recovered in the courts and manner prescribed in the preceding sections of this act. This act shall take effect from and after its passage.

Approved February 12, 1858.

CHAPTER 410.

AN ACT giving to the county of Grayson six additional days at the next fall term of the Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Breckinridge.

§ 1. That the fall term of the Breckinridge Circuit Court, for the year 1858, shall commence on the second Mon-

day in October, and continue six juridical days; and the Circuit Court for the County of Grayson, for said year, shall commence on the third Monday in October, and continue twelve juridical days, if the business require it. This act to apply only to the fall term of the Circuit Court of said counties for the year 1858.

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Grayson.

§ 2. This act to take effect from its passage.

Approved February 13, 1858.

CHAPTER 412.

AN ACT to amend the charter of the Agricultural Bank of Lexington.

Whereas, the books for the subscription of stock in the Agricultural Deposit Bank of Lexington were closed before the whole of the capital stock thereof was subscribed, and there was no provision in the charter for the disposition or subscription of the remaining stock. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the President and Directors of the Agricultural Deposit Bank of Lexington shall be, and are hereby authorized, at such times and places as they shall appoint, to open books for the subscription of the remaining stock of said bank, or any part thereof, or to sell said stock at such price as they may think proper: *Provided*, That said stock shall not be sold for less than its par value: *Provided further*, That after the second Monday in June next, all persons becoming stockholders in said Bank shall become personally liable to depositors for the amount of their deposits, and upon failure to pay the same suit may be brought against them in any court of common law jurisdiction, for the recovery of the same: *Provided further*, If, at any time, a forfeiture of the charter shall be declared, as provided for, in order to secure the payment of the debts of the Bank, each stockholder shall be required to pay the full amount of his stock to the creditors of the Bank, at that time remaining unpaid, and to that extent shall be held personally liable for the debts due from said Bank; and upon his failure to pay the remainder of said stock, suit may be instituted against him in any court of competent jurisdiction, for the recovery of the same..

May open books for subscription of the remainder of stock.

Approved February 13, 1858.

1858.

CHAPTER 443.

AN ACT requiring the County Judges to keep their offices and records at their respective county seats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County Court
Judges to keep
their offices at
county seats.

Counties ex-
empted.

That the Presiding Judges of the County Courts of this Commonwealth shall keep their offices of the Quarterly Courts, and all the records, at the county seats of their respective counties, and shall keep the same at all times free and accessible to any person having business therein: *Provided*, that the counties of Kenton, Campbell, Washington, and Marion, be exempted from the provisions of this act.

Approved February 13, 1858.

CHAPTER 444.

AN ACT amending the law concerning Passways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amendment to
Rev. Stat. 587.

That whenever it shall appear to a County Court that it is absolutely necessary for a citizen to have a private passway over the land of one or more persons in the county, to enable him to procure necessary timber or firewood, from any timbered land owned by him, the court shall establish a passway for his use and benefit, on the principles of the chapter of the Revised Statutes concerning Roads and Passways.

Approved February 13, 1858.

CHAPTER 446.

AN ACT to amend the law in relation to County Judges.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County Judges
prohibited from
practising in
their own courts;
or forming a
partnership with
an attorney who
may practice in
said courts.

That hereafter it shall not be lawful for the Judges of the County and Quarterly Courts to practice law in their own Courts, nor shall it be lawful for such Judge to enter into a partnership, directly or indirectly, with any licensed attorney, either residing in this State or out of it, who does or may practice law in such Quarterly or County Courts; and for a violation of this act such Judge shall forfeit his office, and be subject to a fine, in the discretion of a jury, at the suit of the Commonwealth. This act shall take effect from and after the first of April next.

Approved February 13, 1858.

LAWS OF KENTUCKY.

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CHAPTER 477.

1858.

AN ACT in relation to the Louisville and Portland Railroad Company, and the Kentucky Institution for the Education of the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That power is hereby given to the President and Visitors of the Kentucky Institution for the Education of the Blind to modify, alter, annul or enlarge the contract now subsisting between them and the Louisville and Portland Railroad Company, from time to time, as they deem proper, upon such terms and conditions as may be agreed upon between said President and Visitors and said Railroad Company.

Asylum for the blind and railroad company may alter their contract.

Approved February 13, 1858.

CHAPTER 478.

AN ACT to revive and amend the laws in regard to the sectionized lands west of the Tennessee river.

Whereas, some doubts have arisen in respect to the effect of the Revised Statutes upon the laws in force (when said Revised Statutes were adopted.) upon the subject of the sectionized lands west of the Tennessee river, and the manner and system of disposing of the same. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled, "an act to amend an act to authorize the entry of vacant lands west of the Tennessee river, and for other purposes," approved the 2d day of March, 1844, together with all the laws revived by said act, be and they are hereby re-enacted and declared to be in full force and effect.

Acts 1842-4, page 56.

§ 2. That all the official acts of the Receiver of Public Moneys for the Land District West of the Tennessee river, under and pursuant to said act, and the laws revived thereby, are hereby confirmed and declared to be valid and effectual to all intents and purposes.

Acts of Receiver confirmed.

§ 3. That the period of one year, from and after the passage of this act, shall be allowed to all persons owning or holding certificates of entry of lands heretofore made in said office, (they being entitled to the same,) to return the said certificates to the Register's Office of this State to be patented, and upon their failure to do so, the same are hereby declared to be null and void, and the same lands shall be subject to be re-entered by any person or persons; and the said Receiver shall issue to the person or persons, so re-entering any of said lands in his office, certificates thereof; and the Register of the Land Office shall, upon the filing of such certificates in his

Time allowed to return certificates to Register's Office.

1858.

Patents to be
issued on certifi-
cates.

office, within six months from the date thereof, issue patents to the person or persons so re-entering any of said lands, or to his or their assigns.

§ 4. That in all cases where re-entries have heretofore been made in said Receiver's Office, and certificates thereof issued for any lands in said district, it shall be the duty of the Register of the Land Office to issue patents upon said certificates to the person or persons who have so re-entered, or to his or their assigns; and unless the person or persons who made the first entry or entries, or his or their assigns, shall, within one year from the date of the passage of this act, file with the said Register the certificates of such prior entry, which being done, patents shall issue thereon, and the certificates of re-entry shall be null and void.

Entries made
on military sur-
veys may be
withdrawn and
re-entered.

§ 5. That when any person or persons have, or may hereafter enter lands in the office of the said Receiver, which are covered by a military or treasury warrant survey, it shall be the duty of the said Receiver, upon such person or persons surrendering to him the certificates of such entries, to permit him or them to enter other lands in lieu thereof without further charge or expense.

Time allowed
infants, &c., to
return certifi-
cates.

§ 6. That the period of one year is allowed to *feme coverts*, infants, and persons of unsound mind, to return their certificates to the Register's Office, as aforesaid, next after such disability shall have been removed.

Approved February 13, 1858.

CHAPTER 488.

AN ACT to amend section 14, chapter LVI, of Revised Statutes, entitled, "Landlord and Tenant."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rev. Stat. 438.

Property on
which landlord
has an exclu-
sive lien.

Limitation as to
amount.

That section 14, article 2nd, and chapter LVI, of the Revised Statutes, entitled, "Landlord and Tenant," be amended as follows, to wit: "A Landlord shall have an exclusive lien, under his warrant, on the produce of the farm or premises rented, on the fixtures, and on the household furniture of the tenant or under-tenant, and on such other of his personal estate as is acquired after he takes possession of the premises; but such lien shall not be for more than one year's rent due, or to become due, nor for any rent which has been due for more than four months." This act to take effect from its passage.*

Approved February 13, 1858.

*See chapter 674 of this volume.

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CHAPTER 489.

1858.

AN ACT to provide for holding County Courts in the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the County Courts now held in the county of Kenton, the Presiding Judge of said county shall hold, annually, twelve terms of the Kenton County Court, in the City of Covington. They shall be held at the court house, on the second Monday of each and every month; and said Judge may adjourn said Court from day to day, and from time to time, if the business requires; and he shall have the power to call and hold special terms of said court in said city, and for such times as the business may require. But no Court of Claims shall be held in Covington.

County Courts
to be held, in
Covington.

May adjourn
from day to day.

§ 2. The Clerk of said County Court shall keep a distinct docket and record books for the terms held at Covington, in which shall be recorded all the business done in said court, in the same manner, and to the same effect that records are now kept in County Court Clerk's Offices. The Clerk shall keep an office in Covington, at such place as said city may provide, in which office he shall keep the records of said court. The duties herein enjoined upon the Clerk of said County Court, may be performed by his deputy.

Docket to be
kept.

Office to be kept
in Covington.

§ 3. Every process, in reference to cases to be tried or pending in the Court at Covington, or for the execution of its judgments, shall be returned and returnable at Covington; and the Sheriff and his deputies shall attend said court.

§ 4. The City of Covington shall pay the Presiding Judge of the County Court such reasonable sum for his services in holding said courts, as the City Council of said city may annually determine, and all expenses for holding said courts in Covington, which otherwise would be paid out of the county levy, shall be paid by said City of Covington.

Compensation
to Judge to be
paid by the city.

Approved February 13, 1858.

CHAPTER 491.

AN ACT to repeal part of an act entitled, "an act regulating the time of holding the Circuit Courts, approved March 5th, 1856."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of an act, entitled, "an act regulating the time of holding the Circuit Courts," approved March 5th, 1856, as requires terms for the trial of Equity, Criminal, and Penal causes (exclusively) in the counties of Garrard and Adair, be and the same is hereby repealed.

Session acts
1855-6, page 62.

Approved February 13, 1858.

1858.

CHAPTER 492.

AN ACT to repeal an act reorganizing Transylvania University and establishing a school for teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act repealed.

§ 1. That an act, entitled, an act to reorganize Transylvania University and establish a school for teachers, be and the same is hereby repealed, the repeal to take effect from and after the 15th day of June, 1858.

Right of property transferred.

§ 2. That the grounds, buildings, endowments, libraries and various properties, possessions, and franchises of said University, all of which are now held by the State of Kentucky, for the benefit of the Common School Fund, be and the same are hereby restored to said University, as fully as if the act herein repealed had never passed; and all acts, or parts of acts, in relation to said University, and repealed by the act reorganizing the same, and establishing a school for teachers, are declared to be in full force from and after the 15th day of June, 1858; and the board of Trustees in office at the passage of said act be reinstated in office.

Approved February 13, 1858.

CHAPTER 497.

AN ACT authorizing an increase of the capital stock of the Commercial Bank of Kentucky and the establishment of additional branches.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Capital increased.

§ 1. That the capital stock of the Commercial Bank of Kentucky may be increased six hundred thousand dollars; and the privilege of establishing two additional branches of said bank is hereby granted, to be located at such points in the State as the President and Directors of the Principal Bank may designate.

May prohibit issue of small notes.

§ 2. That the Legislature shall, at all times, have and retain the power of prohibiting the issue of bank notes by said bank below the denomination of five dollars; and, after the year 1875, shall have the power of prohibiting the issue of bank notes under the denomination of ten dollars.

§ 3. This act to take effect from its passage.

Approved February 13, 1858.

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CHAPTER 502.

1858.

AN ACT to extend the charter of the Bank of Louisville, Bank of Kentucky, and Northern Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chartered privileges and rights of the President, Directors and Company of the Bank of Louisville, shall continue in full force for the period of twenty years, from the first day of January, 1863. That the chartered privileges of the President, Directors and Company of the Bank of Kentucky, shall continue in full force for twenty years, from the 1st day of October, 1864; and that the chartered privileges and rights of the President, Directors and Company of the Northern Bank of Kentucky shall continue in full force for twenty years, from the 1st day of May, 1865. But said extensions of the charters of said Banks shall be subject to the restrictions and provisions following, viz:

Chartered privileges of the three banks extended twenty years from certain periods.

1st. Each of said banks shall be subject to all the restrictions, limitations, penalties, conditions, and duties, imposed on them by the respective acts for their incorporations, and the acts amendatory thereto.

Upon certain conditions and restrictions.

2d. The Legislature shall at all times have the power to prohibit the issue of bank notes under the denomination of five dollars, and after 1875, of notes under the denomination of ten dollars.

3d. After the termination of the present charters, and after this act takes effect, as to each of said banks, neither of them shall at any time have in circulation a greater amount than the actual capital paid in.

4th. In one year from the 1st day of June, 1858, the Northern Bank shall establish a branch in the town of Glasgow, in the county of Barren, with a capital of \$150,000.

The Bank of Kentucky shall establish a branch at the town of Columbus, in the county of Hickman, with a capital of \$150,000.

And the Bank of Louisville shall establish a branch at the town of Burksville, in Cumberland county, with a capital of \$150,000.

§ 2. That said banks shall not invest in bills of exchange more than double the amount of the notes discounted and suspended debt and other investment of said bank bearing six per cent. interest, excluding from the computation of bills of exchange the remittances which said bank may make for collection at points where the funds may accumulate.

Amount to be invested in bills.

§ 3. That the stockholders of the several banks aforesaid, shall, within one year from the 10th of May, 1858, by a vote of a majority of all the stockholders, given at a stated or called meeting, determine whether they will

Stockholders to vote whether they accept this act.

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accept the proposed extensions. The Governor of this Commonwealth shall have the power, by person, or in proxy, to vote the stock of the Commonwealth, and each bank accepting the provisions of this act, in the mode aforesaid, shall notify the Governor of the Commonwealth the acceptance, by the certificate of the President and Directors of such banks, and when notice is thus given, this act shall be considered in full force and effect as to such bank.

Small bills not to be issued after certain periods.

§ 4. That said banks shall issue no bills or bank notes, checks, or orders to circulate as money, of a less denomination than \$5; and after 1870, they shall issue no bills or notes, checks, or orders, to circulate as money, of a less denomination than \$10; and said banks shall redeem, before 1865, all their notes and bills of a less denomination than \$5, and shall not pay out the same again after that date; and said banks shall redeem before 1870 all their bills and notes of a less denomination than \$10, and shall not pay out the same again after that date.

No part of capital to be used without the State.

§ 5. That no part of the capital of either of said banks shall be used in the purchase of bills, or discount of notes, beyond the limits of this State; but money received by either of said banks, in payment of bills purchased or discounted within this State, and payable at points beyond its limits, may be re-invested out of this State in bills of exchange, having not more than ninety days to run, and nothing herein shall be so construed as to prevent either of said banks from receiving any bill or note out of the State, in payment or settlement of any bad or doubtful debt.

To pay tax on contingent fund

§ 6. That the Bank of Kentucky, the Northern Bank of Kentucky, and the Bank of Louisville, shall be and the same are hereby required, to pay annually, to the Commissioners of the Sinking Fund, fifty cents upon each one hundred dollars of the contingent fund now held, or may hereafter accrue to said banks, over and above the amount now required to be retained by their respective charters.

Approved February 15, 1858.

CHAPTER 507.

AN ACT to prevent the wanton destruction of fish in Green river and its tributaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fish not to be taken by seines or nets.

§ 1. That it shall not be lawful for any person or persons to haul a seine or stretch a set-net, for taking fish, at any point in Green river below lock and dam No. 4, in Green river, or below the lock and dam in Barron river, or in any tributary of either of said rivers, emptying

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into Green river below lock and dam No. 4, in Green river, or emptying into Barren river below the lock and dam on said river, within two miles of the mouth of such tributary.

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§ 2. That each and every person who shall be guilty of a violation of this act shall, for each and every such offense, be subject to a fine of fifty dollars, recoverable by warrant in the name of the Commonwealth of Kentucky, before any Magistrate or Justice of the Peace.

Penalty.

§ 3. That it shall be the duty of each of the lock keepers on Green and Barren rivers to prosecute for any violation of this act, which may come to his knowledge, or of which he may receive information; and in case of his failure to do so, any other person may prosecute; and in case of conviction, one half of the fine shall enure to the benefit of the prosecutor.

Duty of lock keepers.

§ 4. Whenever the Magistrate or Justice of the Peace issues his warrant under this act, he shall also issue an attachment, directing and empowering the officer to seize and attach the seines, set-nets, boats, skiffs, and apparatus used by the offending party, and hold the same until the warrant is disposed of, when they shall be exposed to sale, as personal property under execution, for the satisfaction of the judgment, if judgment is rendered against the defendant. This act to take effect the first day of March, 1858.

Duty of Magistrate in issuing warrant.

Approved February 15, 1858.

CHAPTER 547.

AN ACT concerning the salaries of public officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, hereafter, the salaries allowed the officers of this Commonwealth shall be payable monthly, instead of quarterly, as now required. This act to be in force from its passage.

Salaries to be paid monthly.

Approved February 15, 1858.

CHAPTER 575.

AN ACT to amend the law creating a Board of Supervisors of tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the 1st section, article 7th, chapter 87, * of Revised Statutes, as constitutes the Judges and Clerks of the County Courts, in each county, a Board of Supervisors of tax, be repealed; and that instead there-

Rev. Stat. 506.

*This is a mistake, it should be chapter 83, see chapter 657 of this volume.

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of, it shall be the duty of the Judges of the several County Courts of this State to appoint three discreet taxpayers, citizens of the county, as a Board of Supervisors, who, or any two of them, shall, after being sworn, proceed to discharge the duties required by the above recited act; and that said Commissioners be allowed the sum of two dollars per day, each, for every day they may be necessarily employed, to be paid out of the public Treasury.

Approved February 15, 1858.

CHAPTER 593.

AN ACT to repeal an act, entitled, an act to require turnpike, toll bridge, and plank road companies to declare semi-annual dividends, and to amend the Revised Statutes, title "Revenue and Taxation."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Session acts
1853-4, page 146.

§ 1. That an act, entitled, an act requiring turnpike, toll bridge, and plank road companies to declare semi-annual dividends, approved March 9, 1854, be and the same is hereby repealed.

Rev. Stat. 574.

§ 2. That article 10, title "Revenue and Taxation," be so amended as to allow turnpike, toll bridge, and plank road companies to settle and state the affairs of the company on or before the 1st days of January and July, in each year.

Approved February 15, 1858.

CHAPTER 595.

AN ACT to repeal all laws declaring Robinson's creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws of this Commonwealth, declaring Robinson's creek a navigable stream, be and the same are hereby repealed.

§ 2. This act to take effect from and after its passage.

Approved February 15, 1858.

CHAPTER 607.

AN ACT relating to the inspection of flour in Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the General Council of the City of Louisville shall have power to provide, by ordinance, for the inspection of flour in Louisville.

tion of flour sold in said city, and to prescribe the duties of inspectors of flour, and to fix their fees for the discharge of the duties imposed.

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§ 3. This act shall take effect from and after its passage.

Approved February 15, 1858.

CHAPTER 627.

AN ACT concerning the Lunatic Asylums of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Western Lunatic Asylum to receive, under the rules and regulations now prescribed by law, all lunatics who reside in the first, second, third, fourth, fifth, and sixth Congressional Districts of this State; and of the Eastern Lunatic Asylum to receive the lunatics residing in the remainder of the State.

State divided into districts.

§ 2. That it shall be the duty of the Eastern Lunatic Asylum to receive two hundred and twenty-five lunatics; and it shall be the duty of the Western Lunatic Asylum to receive three hundred and twenty-five lunatics; and when either of said Asylums shall have received the number aforesaid, it shall be the duty of the Commissioners of such Asylum to notify that fact to the Commissioners of the other Asylum, and to publish the same in two or more newspapers calculated to give the widest knowledge of the fact, and, thereupon, it shall be the duty of the Asylum not having its prescribed number of patients to receive lunatics from any part of the Commonwealth.

Number to be received by each asylum.

Notice to be given when the designated number are received

Approved February 15, 1858.

CHAPTER 629.

AN ACT to prevent the extension of credit to minors at school without the permission of their parents, &c.

In order to maintain, and more effectually carry out the discipline of those institutions for the educating of the youth of the country, male and female, and for protecting the rights and interests of community against the evils of trading with, loaning money, goods, &c., to minors, without the permission of their parents, or of those persons having legal authority to assent thereto:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If any money be lent or advanced, or any thing be sold or let to hire, on credit, to or for the use of any student or pupil under the age of twenty-one years, at any incorporated University, College, Military Institution, Academy, or School of learning, within this State, without the

No student or pupil of a college, &c., to borrow money or

1858.

buy goods without permission.

Penalty for violation.

previous permission, in writing, of his parent or guardian, or principal of the said institution, nothing shall be recovered therefor; and the person so offending shall, moreover, be fined, upon presentment of a grand jury, not less than ten, or more than one hundred dollars for each offense. When such selling, letting, lending, or advancing is by an agent, such penalty shall be inflicted on his principal, unless the principal shall, within ten days after he has knowledge or information of the selling, letting, lending, or advancing, give notice, in writing, of the date, nature, and amount thereof, to the president or other head of the institution, in which case the penalty shall be suffered by the agent.

Approved February 15, 1858.

CHAPTER 631.

AN ACT to amend an act, entitled, an act to establish a uniform weight of coal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Weight of coal.

That the weight of stone-coal, sold in this Commonwealth, shall hereafter be 76 pounds, or 2,688 cubic inches to the bushel, for all except Wheeling and Kentucky river coal—Wheeling coal shall be 84 pounds, and Kentucky river coal 78 pounds, to the bushel; Adrian Branch, or Cumberland river coal, 72 pounds.*

Approved February 15, 1858.

CHAPTER 636.

AN ACT fixing the time for the President of the Board of Internal Improvement to take the oath of office, after his election or appointment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the President of the Board of Internal Improvement shall enter upon the duties of his office at the same time of the Auditor and Treasurer, after his election or appointment. †

Approved February 15, 1858.

*This act supersedes the act of March 8, 1856. Session Acts of 1855-6, page 73.

†The first Monday of January after his election. Revised Statutes, 136.

CHAPTER 637.

AN ACT concerning Quarterly Courts.

1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the Judge of the County Court to keep regularly open, an office for the transaction of business appertaining to the Quarterly Court, at the county seat; but he shall be absolved from this duty, upon his entering upon the records of the County Court, an order empowering the Clerk of the County Court to act as Clerk of the Quarterly Court; and upon such order being made, said Clerk shall be authorized to issue the summons, the orders for provisional remedies, and process for witnesses, in actions in the Quarterly Court, and issue executions upon the judgments rendered therein, and shall be entitled to the fees, and be subject to the liabilities and penalties for his acts and omissions to act, in the premises, that the judge of said court is, by law, entitled and subject: *Provided*, That said judge shall not be prevented, by such order, from issuing such writs, process and orders, whenever he thinks proper to do so.

Judge of County Court to keep an office.

May empower Clerk to issue process, &c.

§ 2. That when an order shall be entered, as provided in the first section, it shall be the duty of the judge, at the termination of each term of his court, to deposit, in the hands of the Clerk of the County Court, the book wherein the judgments of the court of such term are entered, to enable the clerk to issue executions thereon, and also his docket and execution book; and it shall be the duty of the clerk to enter all actions brought on such docket, and all executions issued by him on the execution book; and he shall safely keep all papers and pleadings filed with him, and all writs and process delivered to him by the returning officer, and deliver all such books, papers, process, pleadings, writs, and orders to the judge, when so required by him: *Provided*, That Kenton county is hereby exempted from the provisions of this act; also, the counties of Washington and Marion, so far as it relates to the place of holding or keeping the office.

If such power be given to the Clerk, the papers are to be deposited with him.

Kenton, Washington, and Marion excepted.

§ 3. In case the Judge of the Quarterly Court fails to attend and hold his court, or shall refuse to sit in a particular case, an election may be held of a special judge, in the manner prescribed in regard to Circuit Judges, which election shall be conducted by the Clerk of the County Court, who shall administer to the special judge the same oath administered to special judges of the Circuit Court, and make an entry thereof on the book of proceedings of said court; and thereupon the special judge shall have all the powers of the Quarterly Judge, until the term is concluded, or the regular judge shall attend and hold the court: *Provided, however*, That if no

Judge pro tem. of County Court may be elected.

1858.

such election be held, the court shall be held in the absence or refusal to act of the judge, in the manner now prescribed by law.

Approved February 15, 1858.

CHAPTER 639.

AN ACT to amend and change the 10th section of chapter 13, Revised Statutes, title "Change of Venue."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Revised Statutes 167.

§ 1. That so much of the 10th section of chapter 13th, of the Revised Statutes, title "Change of Venue," as allows a defendant in a penal prosecution to make and file with the Clerk an affidavit to the effect that he verily believes the Judge of the Court, where the same is pending, will not afford him a fair and impartial trial, or will not fairly and impartially decide his application for a change of venue, be and the same is hereby repealed.

If a special Judge does not act, case to be continued.

§ 2. When the defendant in a criminal prosecution makes and files with the Clerk such an affidavit, as in the first section named, and the substitute Judge theretofore or then chosen, to preside at his trial in lieu of the Circuit Judge, as now provided by law, from any cause cannot or fails to act as such, or no such election takes place, the case may be continued, and the Clerk of the Court shall enter the fact and cause of continuance on the record, and certify a copy of the entry to the Governor of this Commonwealth, who shall forthwith assign some other Circuit Judge to hold a special term of said Circuit Court as soon as possible—the time thereof to be fixed by such appointee—for the trial of the accused.

Special Judge to be appointed by the Governor.

§ 3. When the Judge of a Circuit Court, in which a criminal prosecution is pending, is so situated in respect to the case as in his opinion to render it unfit that he should preside at the trial, the same proceedings may be had as required in the 2nd section hereof.

§ 4. This act to take effect from its passage, and it shall apply to all cases now pending, as well as those hereafter accruing.

Approved February 16, 1858.

CHAPTER 640.

AN ACT to amend section 17, article 4, of chapter 47, of the Revised Statutes, title, "Courtesy and Dower."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Revised Statutes, page 326.

That section 17, of article 4, of chapter 47, of the Revised Statutes, shall not be construed to forbid the alien-

ation of the separate property of a married woman, whether such estates were created before or since the adoption of the Revised Statutes, by a Trustee under the express power in the will or deed creating such estates.*

1858.

See also 694,
section 4.

Approved February 16, 1858.

CHAPTER 641.

AN ACT appropriating money to the Eastern Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of eighteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, for the purpose of making repairs and improvements upon the Eastern Lunatic Asylum and its grounds; which said sum shall be expended for the purposes aforesaid, under the directions of the Superintendent of said Asylum.

Appropriation
for repairs.

§ 2. On the 1st September, 1858, the Auditor of Public Accounts shall draw his warrant in favor of the Chairman of the Board of Commissioners of said Asylum, for so much of said appropriation as has been expended, not exceeding one-half of the whole appropriation; and on the 1st September, 1859, he shall draw his warrant, in like manner, for the balance thereof.

When to be
drawn.

§ 3. That the Chairman of said Board of Commissioners shall keep an account of the money hereby appropriated, separate and distinct from that of the general appropriation, and report the amount drawn, and how and for what purpose the same has been used.

Chairman to
keep an account
of moneys ex-
pended.

§ 4. This act shall take effect from and after its passage.

Approved February 15, 1858.

CHAPTER 644.

AN ACT to amend section 832, of chapter 3, and article 1, Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That when the defendant to any suit before a Justice of the Peace in this Commonwealth resides in the county where the summons was issued, the summons shall be returned for trial in the district of his residence, unless the Justices in such district are interested in the subject of the suit, or refuse to act, in which case the summons shall

Civil Code
amended, as to
Louisville.

*The same section (17th,) was amended March 3, 1866—session acts 1866-6, page 58.

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be returned in an adjoining district, with the facts endorsed thereon: *Provided, however, that this shall only apply to the city of Louisville.*

Approved February 16, 1858.

CHAPTER 645.

AN ACT to regulate the fees of Sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fee of Sheriff in
ad quod damnum.

That in all cases when the Sheriff attends a Jury, under a writ of *ad quod damnum*, for his entire service his fee shall be four dollars.

Approved February 16, 1858.

CHAPTER 648.

AN ACT to repeal section 14, chapter 67, Revised Statutes, so far as same applies to Cornishville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rev. Stat. 511,
title, "Mills."

That section 14, of chapter 67, title "Mills," of Revised Statutes, be repealed so far as same applies to the town of Cornishville, in Mercer county.

Approved February 16, 1858.

CHAPTER 650.

AN ACT to amend section 2, of article 3, of chapter 58, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rev. Stat. 447.

§ 1. Section 2, of article 3, of chapter 58, of the Revised Statutes, is hereby amended so as to include all lands, whether belonging to residents or non-residents, which have been, or may hereafter be, forfeited to the Commonwealth for failing to list the same for taxation, or for failing to pay the taxes and interest due thereon.

Rev. Stat. 305.

§ 2. It shall be the duty of the Auditor of Public Accounts, from time to time, to cause sales of said forfeited lands to be made in the manner provided in the chapter on escheats and escheators.

§ 3. In addition to the amount of the tax and interest due to the Commonwealth, according to the existing laws, there shall be added ten per centum as compensation to the agent for making the sale and collecting the money.

Approved February 16, 1858.

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CHAPTER 651.

1858.*

AN ACT to extend the charters of the Bank of the Commonwealth of Kentucky and of the (Old) Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charters of the Bank of the Commonwealth of Kentucky, and of the (Old) Bank of Kentucky, be and the same are hereby extended and continued in force until the first day of March, one thousand eight hundred and sixty-five.

§ 2. This act to be in force from its passage.

Approved February 16, 1858.

CHAPTER 654.

AN ACT allowing special terms of the Livingston Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there shall be held a special term of the Livingston Circuit Court on the 4th Monday in September, 1858, and on the 4th Monday in February, 1859, and to continue each term six juridical days; and if the regular presiding Judge cannot hold said special courts, either from sickness, holding courts elsewhere, or for any cause, then the members of the bar in attendance shall elect a judge *pro tem.*, under the same rules, regulations, and restrictions as now prescribed by law. This act shall not be construed to repeal any existing law in relation to the Circuit Courts in the first judicial district. This act to take effect from its passage.

Approved February 16, 1858.

CHAPTER 657.

AN ACT to amend article 7, chapter 83, Revised Statutes, relative to the Board of Supervisors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be the duty of the Board of Supervisors to hold their sessions two days; and they may hold them six days, as now provided by law.

Rev. Stat. 328.

§ 2. They shall reduce to writing the testimony of each witness examined before the board, which testimony shall be read to and subscribed by the witness, and be carefully preserved by the board.

§ 3. They shall each be entitled to receive for their services two dollars per day, to be paid out of the State Treasury.

§ 4. This act shall take effect upon its passage.*

Approved February 16, 1858.

*See chapter 575 upon the same subject.

1858.

CHAPTER 663.

AN ACT to amend chapter 86, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rev. Stat. 381.
Slaves may be
sold by order of
Circuit Court.

§ 1. That the slaves, or any interest therein held by an infant, may be sold by the judgment of a Circuit Court having jurisdiction thereof, in the same manner, and by the same proceedings regulating the sales of real estate of infants, prescribed by chapter 86, article 3, of the Revised Statutes.

Land or slaves
conveyed or de-
vised for life
may be sold and
proceeds rein-
vested.

§ 2. That land or slaves conveyed or devised to any person for life, or in trust for his use, with remainder over to his children, or to such of them as may survive him, or to the issue of such children, may, by the judgment of a Court of Equity not inferior to the Circuit Court, be sold by the trustee, or a commissioner appointed by such court, for the purpose of being reinvested according to the order of such court in other property, in or out of this state, to be held for the same uses and trusts, and in the same manner, in all respects, as the property sold was held; and the court shall see that the reinvestment is made; and the price shall remain a charge upon the property sold, until the purchase money therefor is paid. But such order of sale shall only be made upon abundant proof to the court that the sale and reinvestment will be beneficial to all interested in the property, and upon all persons having an interest in it being made parties to the proceedings.

Revised Stat-
utes, 374.

§ 3. The sixth section of article 2, chapter 43, of Revised Statutes, page 374, so far as the same refers to, and authorizes sales of negroes by guardians, is hereby repealed.

Approved February 16, 1858.

CHAPTER 674.

AN ACT amending article 2, chapter 56, Revised Statutes, title "Landlord and Tenant."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Revised Stat-
utes 441.

That section 14, article 2, chapter 56, title "Landlord and Tenant," be and the same is hereby repealed, and in lieu thereof it is enacted: that a landlord shall have an exclusive lien on the produce of the farm or premises rented, on the fixtures, on the household furniture, and and other personal property of the tenant, or under-tenant, found upon the rented premises, after possession is taken under the lease; but such lien shall not be for more than one year's rent due or to become due, nor for any rent which has been due for more than four months.*

Approved February 16, 1858.

*A similar act was approved February 13, 1858. See chapter 488, of this volume.

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CHAPTER 675.

1858.

AN ACT to amend the 3d section, 2d article, 32d chapter, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter 32, article 2, section 3, of the Revised Statutes, be so changed, that from and after the passage of this act it shall be lawful for the County Courts to divide Justices' districts into two or more election precincts, and to establish the lines and boundaries of such precincts, and to change the voting places in such precincts, upon the petition of a majority of the voters of the new precinct and voting place to be established, by the change, if it shall, in addition to said petition, seem right and proper to the court so to do; and any voter who shall vote out of his precinct, so established, shall be liable to the penalties denounced against illegal voting: *Provided*, that no change shall be made within sixty days next preceding an election. The provisions of this bill shall apply to the counties of Kenton and Campbell.

Rev. Stat. 284.
County Courts
may change
precincts.

Act applies to
Kenton and
Campbell.

Approved February 16, 1858.

CHAPTER 676.

AN ACT to prevent the loss of the Public Books.

Whereas, it is represented that a large number of the Public Books, heretofore confided to the custody of the several Circuit and County Clerks of this Commonwealth, have been carelessly lost or destroyed. For remedy whereof:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the first day of the term of his court next succeeding the taking effect of this act, each of the aforesaid Clerks shall have in his court or office all the Public Books heretofore granted him, or his predecessors in office, that can be found, with a catalogue of the same, which catalogue shall be filed by order of court.

Each Clerk of
a court to have
in court or in
his office all of
the public books

§ 2. That upon the first day of the term of his court next ensuing the term last aforesaid, and upon the first day of each succeeding term of his court, each of said Clerks shall bring in a list of said books, then on hand in his said office; and for each and every book that may appear, from such returns or otherwise, to be lost or destroyed by his negligence, which was included in the catalogue first aforesaid, or after the date thereof supplied to the Clerk, the court shall immediately enter up a judgment in favor of the Commonwealth, and against the delinquent Clerk for the value of such book or books; upon this judgment the court shall issue an execution,

List of books to
be brought into
court at each
term.

Judgment for
value of missing
books.

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and cause the same to be collected and paid over to the County Attorney of the proper county, who, with the proceeds, shall immediately replace the missing book or books; if anything shall remain after paying the necessary expense of this replacement said Attorney shall pay it over to the Trustee of the Jury Fund for his county, and report his proceedings to the court.

Persons having public books in possession to return them.

Penalty for failure.

§ 8. If any Attorney or other person shall have in his possession, or may hereafter have in his possession, any of the Public Books belonging to any of the courts of this Commonwealth, it shall be their duty to return them to the proper office; and if such Attorney, or other person, shall fail or refuse to return any of such books upon being required in writing to do so by the Clerk to whose office such books may belong, it shall be the duty of said Clerk to inform his court of such failure or refusal, and thereupon the court shall cause such Attorney or other person to be summoned into court, and if found guilty of violating the provisions of this act the court shall impose a fine upon the offender of twice the value of the book or books which he has failed or refused to return to the proper office.

Approved February 16, 1858.

CHAPTER 685

AN ACT to change the time of holding the September term of the Monroe Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act that the September term of the Quarterly Court of Monroe county be holden on the third Monday in September, instead of the time now prescribed by law.

Approved February 16, 1858.

CHAPTER 696.

AN ACT to change the time of holding the Quarterly Courts of Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Quarterly Courts of Harlan county be hereafter held on Tuesdays after the first Mondays in January, April, July, and October, instead of the time as now provided by law. This act shall be in force from the date of its passage.

Approved February 16, 1858.

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CHAPTER 716.

1858.

AN ACT for the benefit of Common School Districts in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Common School Districts of this State, within which a school was taught according to the provisions of the Common School Laws in the School years ending 1855, 1856, and 1857, for which reports have not been made or heretofore received, may have further time until the 1st of June, 1858, to make report and receive the money due thereon from the School Fund belonging to the county or counties in which said districts are located.

Further time given to report.

§ 2. That in all cases where schools have been regularly organized, under the Common School laws, and teachers employed for three months, but from accident have been prevented from continuing for three months, and the school was kept a portion of the time for the year ending December 31st, 1857, or for the years 1855 and 1856, they shall, upon their completing, at any time before the 1st June, 1858, the full term of three months, including the time the school was taught in any one of the past years above mentioned, be entitled to draw from the School Fund such portion as they would have been entitled to had they taught regularly for three months continuously in any of said years; and nothing in this section shall restrict schools from being taught hereafter, as usual, under the provisions of the Common School laws of this Commonwealth.

Further time given to make up lost time in teaching.

§ 3. That two hundred and fifty copies of this act be printed; and that it shall be the duty of the Auditor to transmit copies of the same to each School Commissioner of every county in this State; and that it shall be the duty of the Commissioner to give notice of this act to the Trustees of the Common School Districts.

Copies of this act to be printed and distributed.

Approved February 16, 1858.

CHAPTER 722.

AN ACT to amend an act approved the 10th March, 1856, concerning the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled, "an act to provide for the extension of the area of the Penitentiary, and to build a new cell and hospital," approved March 10, 1856, be and the same is hereby so amended as to authorize the Commissioners therein named, to build a cross-wall from the northeast end of the new Hospital, to the new outer wall of the north end of the prison, of such height and dimensions as they may deem necessary, to separate a

Additional powers given to Commissioners to make improvements.

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yard from the main prison yard, for the use of the female prisoners; and that they be further authorized to remove the smoke-house from its present location, to some other part of the yard, where it would less endanger the other buildings in case of fire; and that they be further authorized to have graded and McAdamized the one half of so much of Holmes street, in the City of Frankfort, as lies in front of the Penitentiary property.

Sewer to be
constructed to
the river.

§ 2. That said Commissioners be further authorized to obtain from the Mayor and Board of Councilmen of the City of Frankfort, the right of constructing a sewer from the prison yard, along Mero street, to the Kentucky river, for the purpose of sufficiently draining the prison yard and property; and may, by contract with said city authorities, transfer said sewer to said city when constructed, upon the condition that said city authorities shall at all times keep that part of the same lying without the prison property in good repair for the use of said property.

One hour allowed
the prisoners
to dine.

§ 2. That the prisoners now in the State Prison, and those that may hereafter come in, be allowed one hour to rest at dinner, instead of half an hour, as now allowed by law; and all laws inconsistent with this act are hereby repealed. This act to take effect from and after the first of March, 1859.

§ 5. That in contracting for and letting out the work hereby authorized, said Commissioners shall be governed by the directions of the act to which this is an amendment; and should the money appropriated by that act be insufficient to pay for the work hereby authorized, such deficiency shall be paid out of the rent of the Penitentiary for the ensuing year.

Approved February 17, 1858.

CHAPTER 723.

AN ACT in relation to the Public Treasury.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Treasurer and his sureties are not responsible for any loss which may accrue from suspensions of specie payments, or other casualty of the Bank of Kentucky, to deposits of the moneys of the Public Treasury in that Bank.

Approved February 17, 1858.

CHAPTER 724.

1858.

AN ACT declaring it unlawful for the Presiding Judge and Clerk of a County Court to be appointed executor, administrator, or guardian, in the county in which he holds his office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall not be lawful for any Presiding Judge, or Clerk of a County Court, to be appointed an executor, administrator, or guardian, in the county in which he holds such office. If any such Judge or Clerk shall hereafter accept the appointment of executor, administrator, or guardian, in the court in which he holds such office, he shall thereby forfeit such office.

County Judge and Clerk cannot be appointed executor, &c.

Approved February 17, 1858.

CHAPTER 725.

AN ACT to authorize the Governor to cause a cistern to be constructed in the public grounds at Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor be and he is hereby authorized to make the necessary contract to turn the water from the State House, and other public buildings, into the old gasometer vat, and to make a permanent cistern of said vat; and that a sum sufficient to complete the same, not to exceed two hundred dollars, is hereby appropriated.

§ 2. That the Auditor of Public Accounts shall draw his warrant for the amount of said contracts, when approved by the Governor, and that the Treasurer pay the same out of any money in the Treasury not otherwise appropriated.

Approved February 17, 1858.

CHAPTER 727.

AN ACT to amend chapter 6, Revised Statutes, in regard to bastardy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in all cases where a woman shall have been divorced from her husband, on the ground of her being pregnant by another man at the time of their intermarriage, and having concealed such pregnancy from her husband, the child of which she was thus pregnant shall be deemed and held to be a bastard for all purposes whatever.

Revised Statutes 141.

Approved February 17, 1858.

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CHAPTER 728.

AN ACT authorizing the Court of Appeals to condemn records sent up from the inferior Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Court of Appeals shall have the power to enter on its records that a transcript of a record, sent up from an inferior Court, is condemned because it was not made in conformity to the instructions of the Clerk of the Court of Appeals; and the Clerk of the inferior Court shall not be authorized to receive any compensation for such imperfect record.

Approved February 17, 1858.

CHAPTER 733.

AN ACT to repeal sub-section 2, of section 2, of article 3, chapter 34, of the Revised Statutes, title "Escheats and Escheators," and fixing the compensation to Agents and Escheators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rev. Stat. 348.

§ 1. That sub-section 2, of section 2, of article 3, chapter 34, of the Revised Statutes, title "Escheats and Escheators," in the following words: "No agent shall be allowed more than five per cent. for his whole attention to, any estate," be and the same hereby is repealed.

Compensation
to escheators &
agents increased.

§ 2. Hereafter the Auditor of Public Accounts may allow, in any settlement he may make with an Agent or Escheator, such reasonable compensation for his services as the Auditor may deem proper, not exceeding however ten per cent. on the amount of money collected by such Agent or Escheator, and paid into the Treasury.

Approved February 17, 1858.

CHAPTER 734.

AN ACT to amend section 3, article 7, chapter 28, Revised Statutes, title Arson, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Revised Stat-
utes 288.

That section 3, article 7, chap. 28, title "Arson and burning of buildings, &c.," Revised Statutes, shall be and the same is hereby so amended, that any person who shall wilfully and maliciously cut, destroy, or otherwise injure the apparatus, hose, or other property of any engine, hose, or other fire company, while said company is engaged in an effort to subdue a fire or conflagration, such person, so offending, shall be deemed guilty of a felony,

and upon indictment and conviction thereof shall be confined in the State Penitentiary for a term of years not exceeding five, nor less than one.

1858.

Approved February 17, 1858.

CHAPTER 743.

AN ACT to compensate agents of this State for reclaiming fugitives from justice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases where the Governor of this State shall make a requisition upon the Governor of any other State, for a fugitive from justice, that the person named in such requisition, as the agent of this State, shall be allowed to receive, as a compensation for his services, at the rate of 12½ cents per mile for the distance he may travel to and from the county seat of the county having jurisdiction of the offense, of which said fugitive stands charged, to the place where said fugitive may be arrested—the distance to be computed by the route most usually traveled—and such other fees and necessary expenses as he may have to expend in reclaiming and transporting such fugitive.

Compensation to agent.
Revised Stat. 173 section 6.

§ 2. The claims provided for in this act to be allowed by the Governor, and for the amount of which the Auditor will draw his warrant upon the Treasurer.

§ 3. This act to take effect from its passage.

Approved February 17, 1858.

CHAPTER 744.

AN ACT to amend the several acts in relation to Peddlers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the 2d, 3d, 4th, 6th, 7th, 8th, 9th, 10th, 12th and 13th sections of the act, entitled, "An act to amend the several acts in relation to peddlers," approved March the 4th, 1856, be so amended, that none of the provisions of said sections shall apply to a *bona fide* resident white citizen of this Commonwealth, who has actually been such for five years next before the granting to him a license to peddle under the provisions of this act.

Session acts
1855-6, page 54.
Distinction between citizens of this and other States.

§ 2. That, hereafter, it shall be lawful for the County Courts of this Commonwealth to grant any white citizen of this Commonwealth, who has been a *bona fide* resident of this State, and of the county in which the application is made, a license to peddle in the State at large, or in any one or more of the counties of this State, upon the

Licenses may be granted to citizens of this State.

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Amount to be
paid for license.

Proof to be
made on appli-
cation for li-
cense.

Fee to the clerk.

Pedler to have
his license en-
dorsed.

Fee.

License not
transferable.

Proviso.

Proviso.

applicant paying a tax on such license, for the State at large, the sum of sixty-five dollars per annum, and at the rate of sixty-five cents for each one hundred voters in the county or counties named in the license, for a license to peddle three months in any such county or counties.

§ 3. Before any such license shall be granted the applicant shall prove, in open court, by at least two credible witnesses, that he has been, for at least two years previous thereto, a *bona fide* resident citizen of the county in which the application is made, and of a good moral character; all of which, together with a description of the applicant, shall be entered of record upon the orders of the court, and thereupon the court, by its order, shall direct its clerk to issue a license to the applicant, in which the orders of the court, and a description of the applicant, shall be embraced, to which license the clerk shall fix the seal of the court, for which the applicant shall pay a tax of fifty cents, and to the clerk a fee of one dollar and fifty cents.

§ 4. Before peddling in any county, other than that in which the license is granted, the pedler shall present his license to the clerk of such county, who, upon being satisfied of its genuineness, shall endorse the word thereon "*genuine*," and affix his official signature thereto. A failure so to present the license shall subject the pedler to the same penalty as though he had peddled without a license. And for examining the license, and making the endorsement, the clerk shall be entitled to a fee of twenty-five cents: *Provided, however*, That no license obtained under this law shall be transferable, or give authority to but one person to peddle under it; and that no one obtaining a license shall peddle or sell goods or merchandize of any kind or description, by an agent, clerk, or in any other way than in his own proper person; all of which shall be set forth in the license: *Provided*, That if any person shall violate the provisions of this act he shall be fined in a sum of one hundred dollars, and in default of payment shall be imprisoned not less than fifty, nor more than one hundred days, in the County Jail where the offense was committed; one fourth of the fines collected under this act shall go to the informer, and one fourth to the County Attorney. The County Judge shall have jurisdiction of all violations of this act; and it shall be his duty forthwith to try all cases arising under this law, as soon as the same is brought before him, giving reasonable time to the Commonwealth and accused to make preparation for trial, &c.: *Provided*, That no person shall accompany any pedler under the provision of the act, with the ostensible purpose of aiding such pedler, unless he has been three years a citizen of the State, and has

proved a good character in some County Court in the Commonwealth, and has with him a certificate thereof.

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§ 5. And this act shall take effect from and after its passage.

Approved February 17, 1858.

CHAPTER 748.

AN ACT concerning Casey Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That, hereafter, the May term of the Casey Circuit Court shall be held twelve juridical days, instead of six, as now fixed by law.

§ 2. This act to take effect from its passage.

Approved February 17, 1858.

CHAPTER 752.

AN ACT in reference to tuition in the Common Schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That, hereafter, every free white child in the Commonwealth of Kentucky, between the age of six and eighteen years, shall have the privilege of receiving the benefits of common school instruction in the common school that may be taught in the district where he or she may reside, whether he or she be reported in said district or not.

§ 2. This act shall take effect from and after its passage.

Approved February 17, 1858.

CHAPTER 758.

AN ACT to amend the charter of the Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the charter of the Bank of Kentucky is hereby so amended as to make it lawful for any persons, holding the requisite stock, and otherwise eligible at the date of their appointment, to be made directors in the branches of said Bank; and all may be eligible to reappointment who served a previous year. This act to take effect from its passage.

Approved February 17, 1858

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CHAPTER 762.

AN ACT providing for the establishment of a Jury System for the Louisville City Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jury system
established.

Grand jury to be
summoned.

§ 1. That there shall be summoned by the Marshal of the City Court of Louisville sixteen grand jurymen, to attend on such day as the court may order, of each term of said court; and every person so summoned to attend as a grand jurymen, if he fail to attend without a reasonable cause, shall be fined not exceeding ten dollars. If the court shall deem it necessary, a grand jury composed of bystanders may be empanelled at any term after the discharge of the grand jury first empanelled.

§ 2. The court shall appoint one of the number of every grand jury foreman thereof; and the grand jurors in said court shall take the oath prescribed by law to be taken by the grand jurors in the Circuit Courts of this Commonwealth, except as to felonies.

§ 3. The Judge of said court, at its several terms, shall appoint three jury commissioners, possessing the qualifications prescribed for petit jurymen, resident in different portions of the city, and who have no suit in said court which requires the intervention of a jury. The Judge shall administer to the Commissioners the same oath which is now prescribed by law to be taken by jury Commissioners of the Circuit Courts. The Commissioners thus appointed and sworn shall proceed in the same manner to discharge the duties of Commissioners, as is prescribed by law for jury Commissioners of the Circuit Courts, except that their selections shall be made from the different portions of the city; and the Judge of said court shall deliver the lists to the Clerk, and administer to him and his deputies the same oath directed to be administered to Clerks of the Circuit Courts.

§ 4. Within ten days of the next term and not before, the Clerk shall open the envelope, and make out a fair copy of the jury list, and give the same to the Marshal of said court or his deputy, who shall, at least three days prior to the first day of the next term, summon the persons to attend on the first day of said term as petit jurors, by giving personal notice to each juror, or by leaving a written notice at the jurors place of residence with a free white member of his family over sixteen years of age. The list shall be returned by the Marshal on the first day of the term, with a certificate thereon, of the date and manner in which each juror was summoned.

§ 5. A juror legally summoned, if he fail to attend without a reasonable excuse, shall be fined ten dollars.

§ 6. If for any cause the jury Commissioners shall not be appointed, or shall fail to select a grand or petit jury,

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as is provided, or the panel selected shall be set aside, or the jury lists returned in court shall be lost or destroyed, the court shall order the Marshal to summon a grand or petit jury of the proper number, who shall attend and perform the duties thereof, respectively, as if they had been regularly selected.

§ 7. The jury Commissioners, when they select the petit jury, shall, in the same mode, select not less than thirty-two citizens and house-keepers, qualified to serve on the grand jury, from which they shall select by lot, sixteen, who shall be reported to the court, and constitute the grand jury for the next term; the list so returned, sealed, shall be disposed of by the court and clerk, and the grand jurymen summoned in the same way by the Marshal as in case of the petit jury.

§ 8. If a grand jurymen shall fail to attend, or be excused for any cause, his place may be supplied from the bystanders or the list of names originally drawn and returned by the jury Commissioners, as the court may order.

§ 9. A petit jury shall consist of twelve persons, unless the parties agree that it may be composed of a less number.

§ 10. No person shall be a competent grand or petit jurymen in said court unless he be a free white citizen at least twenty-one years of age, likewise sober, temperate, discreet, and of good demeanor.

§ 11. On the day the jury shall be summoned to attend court, the panel shall be called, and any deficiency in the panel shall be supplied as herein directed in case of grand jurors.

§ 12. A petit jurymen shall be paid one dollar per day for each day he is in attendance on the court. The Clerk shall not issue to the jurors any certificate of service, but shall, in a book to be kept for that purpose, enter the name of each juror entitled to pay, and the amount to be paid him; by which book the trustee shall be regulated in making payment to jurors; in the book the juror shall sign his name as evidence of payment.

§ 13. In all cases of conviction in said court, upon indictment or otherwise, where a jury shall try said case, or which would be triable by a jury, there shall be taxed by the Clerk against the defendant a jury fee of two dollars, in addition to the other costs as now allowed by law.

§ 14. That the fines and forfeitures which have accrued, or may accrue in favor of the Commonwealth, by the judgment of said court, shall be paid to the trustee of the jury fund of said court, and with the jury fees assessed and collected shall constitute the jury fund for the payment of petit jurors therein. That portion of fines or forfeitures given by law to the City Attorney, or the prosecutor, are not included.

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§ 15. A Trustee of the Jury Fund shall be appointed by said court, who shall hold his office during the pleasure of the court; he shall give covenant with good surety, to be approved by said court, faithfully to discharge the duties of Trustee of said Fund, and to account for and pay over all public money which may come to his hands; the covenant shall be recorded in the Order Book, and the original filed. He shall attend the court and pay the jurors in proper person the full compensation allowed them by law; which fact he shall verify by his oath, in open court, when he makes his report. It shall be the duty of the Marshal of said court and his deputies, having money in their hands belonging to said fund, to pay the same to the Trustee as soon as received. The Trustee shall report, on the first day of each term, the amount of money received since his last report, from whom, for what, and when received, the amount paid out by him, to whom, for what, and when paid.

§ 16. The Trustee of the Jury Fund shall settle his accounts under the supervision of the City Attorney, at the close of each term of said court. He shall be charged with all sums received by him since the last settlement, as also with any balance which may have been in his hands at the last settlement, and, credited with all sums legally paid out by him, and credited also with a commission of five per cent. upon all such sums so paid out, which settlement, when attested by the City Attorney, and examined and approved by the court, shall be recorded by the clerk in the order book. All balances remaining in the hands of said trustee shall be paid over to the Trustees of the Public Schools of Louisville, at the expiration of every six months, and as much oftener as the court shall direct.

§ 17. The Clerk of the City Court of Louisville shall make out his fee bill at the end of each term, for services rendered under this act. The Attorney for the City shall examine the same, and if in accordance with the fees allowed Circuit Court Clerks for similar services, he shall certify the same to the court, who shall order the Trustee of the Jury Fund to pay the same.

§ 18. This act shall take effect from and after its passage.

Approved February 17, 1858.

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CHAPTER 755.

1858.

AN ACT providing for the erection of a fire proof room, for the safe keeping of the records, files and papers of the Land office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of three thousand five hundred dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a fire proof room, to be added to the land office, for the safe-keeping of the records, files, and papers of said office.

Appropriation
for room.

§ 2. That in order to insure the economical and judicious use of the sum of money above appropriated, the Register, Secretary of State, and Treasurer, he and they are hereby appointed Commissioners, with powers to select plans for the proposed addition, to contract for the erection of the same, and to superintend and direct its construction: *Provided*, that in making a contract for the proposed work, they give one month's notice of the time of the letting of the work, through the newspapers published at the seat of Government of the State, and that the contract be let to the lowest and best bidder.

Commissioners
appointed.

§ 3. That all acts of said Board of Commissioners shall require a concurrence of not less than two of its members.

§ 4. This act shall take effect from its passage.

Approved February 17, 1858.

CHAPTER 769.

AN ACT providing pay for Red Fox scalps.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That, hereafter, the allowance for the scalps of red foxes, caught and killed in the State, shall be two dollars. Said scalps shall be proved in the same manner as now required by law for wild cat scalps to be proved, and subject to the same conditions as prescribed in said law, to be received in the same way, and for the same purposes.*

Approved February 17, 1858.

*By an act approved March 10, 1854, session acts 1853-4, page 186, one dollar was allowed for red fox scalps. The above act increases the price to two dollars, payable out of the Treasury.

1858.

CHAPTER 770.

AN ACT increasing the judicial days of the November term of the Muhlenburg Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the November term of the Muhlenburg Circuit Court shall continue twelve juridical days in each year, if the business of the court s hall require it.

Approved February 17, 1858.

CHAPTER 773.

AN ACT to change the time of holding the Quarterly Courts of Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Quarterly Courts of the county of Lawrence shall hereafter be held on the Tuesdays succeeding the Mondays on which the County Courts of said county are held, in the months of January, March, August, and November.

Approved February 17, 1858.

CHAPTER 777.

AN ACT in relation to fees for taking depositions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the same fees allowed examiners for taking depositions shall be allowed all other officers entitled to take the same.

Approved February 17, 1858.

CHAPTER 778.

AN ACT repealing in part an act establishing a Criminal and Equity Court in the first judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of act establishing a Criminal and Equity Court in the 1st judicial district, approved March 10, 1856, as applies to the county of Ballard, be and the same is hereby repealed; and the business of the Criminal and Equity Court of said county shall be transferred to the docket of the Circuit Court of said county, and the Circuit Court Judge of said district shall have the same jurisdiction, for the trial of all such causes, as it possessed

before the passage of the act creating the Criminal and Equity Court in the 1st judicial district.

1858.

§ 2. This act to take effect from and after its passage.

Approved February 17, 1858.

CHAPTER 782.

AN ACT concerning the mileage of witnesses attending the Circuit and Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That witnesses attending the Circuit and Quarterly Courts, who reside at a greater distance from such court than ten miles, shall be entitled to the same mileage now allowed to witnesses residing out of the county, and subject to the same rules and limitations.

Approved February 17, 1858.

CHAPTER 783.

AN ACT to amend the charter of the Bank of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the restrictions imposed upon the Bank of Ashland and its branches, by the 35th section of the charter of said Bank, be and the same are hereby removed, except that said Bank shall not, at any time, buy or deal in that class of bills known by the name of "kites."

Session acts
1855-6, page 32.

§ 2. That said Bank shall not invest in bills of exchange more than double the amount of the notes discounted and suspended debt and other investment of said Bank, bearing six per cent. interest, excluding from the computation of bills of exchange the remittances, which said Bank may make for collection at points where the funds may accumulate.

Amount to be
invested in bills.

§ 3. That said Bank shall issue no bills or bank notes, checks or orders, to circulate as money, of a less denomination than \$5; and after 1870, they shall issue no bills or notes, checks or orders, to circulate as money, of a less denomination than \$10; and said Bank shall redeem before 1865 all their notes and bills of a less denomination than \$5, and shall not pay out the same again after that date; and said Bank shall redeem before 1870 all their bills and notes of a less denomination than \$10, and shall not pay out the same again after that date.

Not to issue
notes for less
than \$5.

§ 4. That no part of the capital of said Bank shall be used in the purchase of bills or discount of notes beyond the limits of this State; but money received by said Bank

Capital not to
be employed
without limits of
State.

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in payment of bills purchased or discounted within this State, and payable at points beyond its limits, may be re-invested out of this State in bills of exchange, having not more than ninety days to run, and nothing herein shall be so construed as to prevent said Bank from receiving any bill or note out of the State in payment or settlement of any bad or doubtful debt.

§ 5. It shall be the duty of the stockholders within one year from the 25th of April, 1858, to say whether they will accept the amendment to their charter as herein provided. Said Bank shall issue only one dollar in Bank notes for each dollar of stock paid in.

§ 6. This amendment to apply to the branch as well as to the mother Bank.

Approved February 17, 1858.

CHAPTER 789.

AN ACT for running the State line between Kentucky and Tennessee.

Whereas, an act passed by the legislature of the state of Tennessee, entitled, an act to appoint Commissioners to re-mark the state lines between Tennessee and Kentucky, east of the Mississippi river, has been presented to the General Assembly of Kentucky for its consideration; and in order to have the line between the state of Kentucky and Tennessee re-marked.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That two persons be appointed by the Governor of the state, to meet such Commissioners as may be appointed by the state of Tennessee, to run and re-mark the line between the states of Tennessee and Kentucky: beginning on the east bank of the Mississippi river, running thence to the eastern boundary of the state of Kentucky, putting up a large stone every five miles: *Provided*, When rock or stone cannot be conveniently had, posts of some durable wood be substituted. That said Commissioners shall have full power and authority, and it is hereby made their duty, to employ a *field party*, to consist of one engineer, one surveyor, one back-sight-man, and one axeman, and such others as may be necessary. The engineer and surveyor to be well qualified to make said survey upon scientific principles. Said Commissioners to superintend the work.

§ 2. That a copy of this act shall be transmitted by the Governor of Kentucky to the Governor of Tennessee; and as soon as the Governor of this state shall have appointed Commissioners, as provided in the 1st section of this act, it shall be the duty of said Commissioners to proceed,

Two Commissioners to be appointed by the Governor.

Copy of this act to be sent to Tennessee.

as soon as practicable, to the performance of the duties required of them, and to have or cause the survey to be completed at as early a date as may be practicable.

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§ 3. That said Commissioners shall, by a joint report, communicate to the Governor of their respective states, what they may do in the premises; and that the Governor of Kentucky shall communicate the same to the succeeding legislature of this state; said Commissioners shall accompany their said report with a map of their survey, showing the relative positions of former lines to the line of survey made by them, and such other information as may be necessary.

Commissioners to report.

§ 4. That the Auditor of this state, whenever directed by the Governor, shall issue to the Commissioners appointed by him, his warrant upon the Treasurer of this State for the sum of three thousand dollars, to be by them appropriated to the purchase of necessary instruments, and the costs of making said survey.

Appropriation to pay Commissioners.

§ 5. That said Commissioners shall, also, in their report, show the time that each of them, and each of the field party, was necessarily engaged in the performance of their respective duties in making said survey, the amount paid to each for his services, and also what future amount, if any, is necessary to pay the costs of the same.

Time employed.

§ 6. That said Commissioners shall cause to be prepared and filed in the office of the Secretary of State, a careful and full topographical map of the survey thus made, exhibiting the features of the country, and embodying all the geographical information that can be incidentally obtained in making such survey.

Report of Surveyor to be filed in Secretary's office.

§ 7. This act to take effect from its passage.

Approved February 17, 1858.

CHAPTER 795.

AN ACT to regulate the manner in which the rates of exchange charged by Banks shall be fixed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Boards of President and Directors of all the incorporated Banks in this Commonwealth, including Deposit Banks and Savings Institutions, and the branches of Banks, once in each month, and as much oftener as they think proper, to fix the rates of exchange, over and above legal interest, at which bills of exchange, foreign and domestic, shall be purchased; and if a difference is made on account of the time for which the bills have to run, the difference shall be designated, and the rates so fixed shall be entered in full upon the record of the proceedings of the Board, and a

Banks to fix the rates of exchange.

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copy thereof fixed up in some conspicuous place in the public room of the Bank.

Branch banks to
transmit rates to
principal bank.

§ 2. It shall be the duty of each Branch Bank to transmit the rates of exchange fixed by its President and Directors to the principal Bank, and the same shall be approved or corrected by said President and Directors of the principal Bank before the same shall be entered upon its record or acted upon.

Officers to con-
form to the rates
fixed.

§ 3. It shall be the duty of the Cashier, Exchange Committees, and all other officers, to conform strictly to the rates of exchange so fixed, and not charge more on the discount of bills, until the rates shall be changed by order of the Board of Directors, and the change entered upon its record.

Changes to be
noted.

§ 4. All changes made in the rates of exchange shall be noted on the copy of the rates in the public room of the Bank.

Banks to trans-
mit to the Gov-
ernor.

§ 5. It shall be the duty of each of said Banks to transmit to the Governor, once in each month, copies of the rates of exchange of the preceding month, and of all changes made during the month, and the Governor shall lay the same before the next ensuing Legislature, with such views thereon as he may think proper to make.

Approved February 17, 1858.

CHAPTER 800.

AN ACT to authorize Justices of the Peace to appoint special agents to execute process.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Special agents
may be appoint-
ed.

§ 1. That Justices of the Peace shall have power to appoint special agents to execute orders of arrest, attachments, and other provisional remedies, and the summons which accompanies such orders, wherever an affidavit is filed with such Justice by the plaintiff or his agent, to the effect that he believes, that owing to the absence or difficulty of procuring a proper officer, the process or orders cannot be executed, unless such special agent be appointed. The appointment shall be made by an endorsement on the writ or order, which the agent is authorized to execute or serve, which endorsement shall be signed by the Justice.

§ 2. This act shall take effect from its passage.

Approved February 17, 1858.

LAWS OF KENTUCKY.

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CHAPTER 801.

1858.

AN ACT to authorize Salt, Iron, Flour, and Tobacco, to be brought into certain counties in this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any person be authorized to bring into Perry, Letcher, Pike, Floyd, and Johnson counties, in this State, from Virginia or North Carolina, and sell by retail or otherwise, Salt, Iron, Castings, Flour, and Tobacco, without incurring any penalty for so doing.

Approved February 17, 1858.

CHAPTER 805.

AN ACT making further appropriation of money for the Geological Survey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of the last session of this General Assembly, on the subject of the Geological Survey, be and the same, so far as applicable, is hereby continued in full force for the next two years.

Section acts,
page 70.

§ 2. That twenty-five thousand dollars be and the same is hereby appropriated, to be expended on the Geological Survey in the next two years, or so much thereof as may be necessary, payable out of any money in the Treasury not otherwise appropriated, to be drawn by the Governor's warrant on the Auditor of Public Accounts.

Appropriation.

§ 3. That said appropriation shall embrace the amount which may be found due to Dr. D. D. Owen; also any balance due for printing the 2nd and 3rd volumes of the reports of the Geological Survey.

Approved February 17, 1858.

CHAPTER 809.

AN ACT for the benefit of the examining Courts of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Justices of the Peace, and all other officers who are authorized by law to examine, for commitment for trial, persons charged with having committed a public offense, shall be and they are hereby allowed the sum of one dollar for each examination; and where the examination lasts more than one day, one dollar per day, each day, during their attendance on such examination, to be paid out of the public treasury, in the same manner that Constable's claims are now allowed and paid for apprehending persons charged with felony.

Compensation
to Examining
Courts.

Now paid.

1858.

Amendment to
Criminal Code,
section 57.

§ 2. That so much of the Criminal Code, as requires the examining Courts to write out the evidence, and have the same signed by the witnesses, is hereby repealed. The examining Court shall be required to write out the substance of what was proved, and to file that statement in the Circuit Court.

Approved February 17, 1858.

CHAPTER 811.

AN ACT amending the charters of the several Banks of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Tax on surplus
stock.

§ 1. That the net amount of the surplus accumulated profits of each of the incorporated Banks of this Commonwealth, shall be taxed at the same rate at which the capital stock of said Bank is now taxed by law, which tax shall be paid in the same manner as the tax on the capital.

Mode of ascer-
taining surplus.

§ 2. The net amount of such surplus profits shall be ascertained in the following manner: On the 1st day of January, 1859, and on the 1st day of January in each succeeding year, the President and Cashier of each of the Banks of this state, shall ascertain the whole gross amount of the profits remaining in such Bank at that date, from which gross amount shall be deducted the following sums, to-wit:

1. The contingent fund authorized and directed to be accumulated from profits, before a dividend is authorized.

2. The current profits since the last dividend was declared.

3. The bad debts belonging to the Bank, and not charged off to profit and loss.

4. The depreciation in value of the doubtful suspended debts of such Bank, below the nominal amount of such debts; which depreciation shall be ascertained by the estimate of said President and Cashier.

Bank to report
to the Auditor.

§ 3. In the month of January of each year, the President and Cashier of each Bank shall make report to the Auditor of Public Accounts, the net amount of accumulated profits on the first of said month, which report shall be verified by the affidavit of the President and Cashier, to the effect that the report shows the true net amount of surplus accumulated profits ascertained in accordance with the provisions of this act.

Approved February 17, 1858.

CHAPTER 812.

1858.

AN ACT concerning the Southern Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Southern Bank of Kentucky shall have authority to open books, at such times and places as they may think proper—twenty days public notice being given of the same—for subscription of the residue of stock authorized to be taken by individuals, to be paid in as required by the original charter.

Residue of stock may be subscribed.

§ 2. That the Governor of this state be and he is hereby authorized and directed to subscribe for all stock the commonwealth is allowed to take in said bank, to be paid for as directed by the original charter, either in money or bonds; but in case said bank will agree to reduce the interest on the \$600,000, now held in the bonds of the state by said bank, to five per cent. instead of six, as now allowed, then, and in that case, the whole residue of the capital of \$2,000,000 may be taken by individuals; and the commonwealth, in that event, yields and hereby relinquishes its right to subscribe for any further sum in said bank; and the lien on the assets of the bank, created by an act, entitled, "an act to amend the act, entitled, an act to establish the Southern Bank of Kentucky, approved February 15th, 1850," is then released, and the bonds of the state shall be as other stock in said bank.

Governor may subscribe for stock.

§ 3. That the commissioners of the sinking fund be and they are hereby authorized to purchase the bonds of the state, now held by the Southern Bank of Kentucky, at any price not exceeding their par value, or any bonds which, under this act, may be given in exchange for them, and releasing the lien mentioned in the second section of this act, whenever, in their judgment, it would be to the interest of the state to do so. And in making said contract with said bank, said commissioners are hereby authorized to relinquish the right the state now has to subscribe for additional stock in said bank, if they think it will be to the interest of the commonwealth to do so.

Commissioners Sinking Fund may purchase bonds held by the bank.

§ 4. That if a contract should be made under this act, between the said bank and the commissioners of the sinking fund, by which the existing right of the state to take \$400,000 of additional stock in said bank should be relinquished, in that event the president and directors of said Southern Bank, if they think proper to do so, are hereby authorized to establish an additional branch of said bank at Lebanon, in Marion county, with a capital of not less than one hundred and fifty thousand dollars.

An additional branch may be established on certain contingencies.

§ 5. That said bank shall issue no bills or bank notes, or orders to circulate as money, of a less denomination than five dollars.

No bills less than five dollars to be issued.

Approved February 17, 1858.

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CHAPTER 813.

AN ACT concerning hired slaves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, hereafter, in this Commonwealth, hired slaves, for a term not exceeding one year, shall be exempt from execution or attachment for the debts of the bailee, while in the possession of the bailee, unless the written consent of the owner shall be first had and obtained by the officer *bringing in* the same.

§ 2. No bailee of a slave or slaves, for a term of one year, or less time, shall transfer or assign his term of interest in such slave or slaves without the written assent of the bailor.

Approved February 17, 1858.

NOTE.—The words "*bringing in*," in the latter part of the first section of this act, are in the Engrossed and Enrolled bills. The draftsman of the bill says that, in the original, the words were "*buying on*."—PUBLIC PRINTER.

CHAPTER 820.

AN ACT to incorporate the Merchants Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Bank establish-
ed.
Capital.

§ 1. That there is hereby established a Bank of Deposit, in the city of Louisville, with a capital of five hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified, and the subscribers, their associates, successors, and assigns, shall be a body politic and corporate, by the name and style of the Merchants Bank, and shall so continue for twenty years from the passage of this act; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending in all courts and places whatever; they may have a common seal, and change and renew the same at pleasure; they shall have power to receive gold and silver and bank notes on deposit, and loan the same on public and private securities; to buy and sell drafts, bills of exchange, and bonds; and the promissory notes made payable to any person or persons or order, or to said bank, and negotiable and payable at their banking house, or at any bank, and endorsed to and discounted by them, shall be and they are hereby put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and endorsers, and with like effect except as to damages; and they may allow interest on deposits, or allow depositors to share in the profits of said bank, in such manner and on such terms as may be prescribed by by-laws.

§ 2. The said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods, and chattels, as shall be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws, for their government, as they may deem necessary: *Provided*, the same be not contrary to the constitution and laws of this State, or of the United States.

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May hold real estate.

§ 3. Said bank may appoint such officers as may be necessary for the conducting of her business, which shall be under the control and direction of four directors, each of whom shall be stockholders; and, after the first election, shall have been stockholders at least three months previous to their election; they shall be residents of this State, and after the first election shall be elected annually, on the second Monday in January in each year. They shall elect one of their number President, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be had whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the Board of Directors. The Directors shall have power to declare dividends of the profits arising out of the business, and to fix, allow, and pay the officers, agents, and servants such sums, as wages and salaries, as they shall think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the Board of Directors shall, from time to time, establish, but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

Appoint officers

Declare dividends.

§ 4. John C. Hull, Richard Atkinson, Sam Gwynn, Charles Ripley, and John Barbee, are hereby appointed Commissioners, any three of whom may open books and receive subscriptions for the capital stock; and when five hundred shares have been subscribed it shall be their duty to give notice, in two or more daily newspapers published in said city of Louisville, and appoint a day for the election of a Board of Directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be made as follows: Five dollars on each share at the time of subscribing, and five dollars within ten days after the election of the first Board of Directors, and the residue in installments of ten dollars on each share every thirty days: *Provided*, that after twenty-five thousand dollars shall have been paid the Board of Directors shall have power to prolong the time for the payment of the residue; and should any of the subscribers fail to pay for their subscriptions of stock, as herein provided, after giving notice of their intention in

*Commissioners to receive subscriptions of stock.

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some daily newspaper in said city, for thirty days, may, by resolution entered on their records, forfeit such stock, and re-sell the same at such time as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation. Said corporation may commence business so soon as twenty-five thousand dollars shall have been paid in, and the President and Directors first elected shall have made oath to the fact of such payment, before some Judge or Justice.

Tax on stock.

§ 5. It shall be the duty of the President, on the first day of January in each year, to pay into the Treasury fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus.

Penalty for mis-appropriation of funds.

§ 6. If the Cashier, Clerks, Teller, or other officer, shall appropriate any of the funds of said corporation to his own use, or shall wilfully fail to make correct entries, or knowingly make false ones, on the books of the Bank, with intent to cheat or defraud the corporation, or any other person, or to conceal any improper appropriation of funds, the officer, so offending, shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two, nor more than twenty years.

§ 7. It shall not be lawful for said bank to issue any note or bill to be passed and used as currency.

§ 8. The General Assembly shall have the right to examine the affairs of said corporation, by any committee they may appoint for that purpose. The Legislature reserves the right to alter, amend, or repeal this act at pleasure: *Provided*, that the stockholders of said bank shall be individually liable for the prompt payment of deposits, to the extent of stock subscribed.

Approved February 17, 1858.

CHAPTER 822.

AN ACT to repeal the Equity and Criminal Court in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, an act to establish a Criminal and Equity Court in the first judicial district, be and the same is hereby repealed, so far as the same applies to the county of Graves; and the Clerk of the Graves Circuit Court is directed to transfer all Equity and Criminal actions, now on the docket of the Equity and Criminal Court, to the docket of the Circuit Court. That the jurisdiction of the Graves Circuit Court, in equity and criminal cases, is hereby restored.

Approved February 17, 1858.

CHAPTER 824.

1858.

AN ACT for the encouragement of the Fine Arts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it may be lawful for that class of artists called painters, to dispose of pictures the entire creation of their pencil and individual art, in shares; and it may be lawful for them to determine, by lot, to what shareholder in a picture the same shall belong: *Provided*, That this act shall not be construed to apply to any other purpose than is set forth above: *And, provided*, That none but citizen artists, residents of this commonwealth, shall avail themselves of its benefits.

§ 2. Any one violating the provisions of the above act shall be subject to all the penalties of the law in relation to lotteries. This act shall take effect from its passage.

Approved February 17, 1858.

CHAPTER 825.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby appropriated to the persons named and entitled, to be paid out of the public treasury upon the warrant of the Auditor of Public Accounts.

§ 2. To the Speakers of the Senate and House of Representatives, eight dollars per day each, during the present session.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars per day each, during the present session, and the same sum each, per day, for fifteen days after the close of the session, for their services in preparing the acts of the General Assembly for publication and arranging the papers.

§ 4. To the Assistant Clerks of the Senate and House of Representatives, eight dollars per day each, during the session.

§ 5. To Thomas J. Helm and J. H. Johnson, appointed Assistant Clerks under resolutions of the House of Representatives, eight dollars per day each, for each day they have served during the session.

§ 6. To Samuel C. Sayres, ten dollars per day for each day he has served as Assistant Clerk of the House of Representatives during the session, to be ascertained by the Chief Clerk of the House, and certified to the Auditor.

§ 7. The Auditor is authorized to draw his warrant on the treasury in favor of the Clerks of the House of Rep-

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representatives and Senate, for the amount of extra clerk hire, to be estimated by them.

§ 8. To the Sergeant-at-arms of the Senate and House of Representatives, six dollars per day each, during the session.

§ 9. To the Doorkeepers of the Senate and House of Representatives, six dollars per day each, during the session.

§ 10. To John M. S. McCorkle, late Clerk of the House of Representatives, seventy-five dollars, for organizing the present house, and for his services rendered after the organization.

§ 11. To Wm. R. Campbell, late Doorkeeper of the House, fifteen dollars for mileage and services as Doorkeeper to the House at the present session.

§ 12. To Jno. W. Pruett, for the services of his negro man to the Senate, one dollar per day, during the session.

§ 13. To A. P. Randall, for the services of his negro man to the House of Representatives, one dollar per day during the session.

§ 14. To A. G. Hodges, to pay for the "Daily Commonwealth," furnished for the use of the Legislature, during the present session, four hundred and sixty-five dollars.

§ 15. To S. I. M. Major, to pay for the "Daily Yeoman," furnished for the use of the Legislature during the present session, four hundred and sixty-five dollars.

§ 16. To the servant who has waited on the Senate and House of Representatives during the present session, forty dollars, and to the servant who has officiated at the "*back capitol*," sixty dollars. The Sergeant-at-arms of the Senate shall receive and disburse said appropriations.

§ 17. To the Ministers of the different religious denominations in Frankfort, one hundred dollars, to be distributed equally amongst them by the Sergeant-at-arms of the Senate.

§ 18. To the Baptist Church, for use of bell and ringing same, during the present session, twenty dollars.

§ 19. To Charles T. Campbell and John W. Pruett, Jr., pages to the Senate during the present session, seventy dollars each.

§ 20. To Joseph Revill, fifty dollars, James G. Newcum seventy dollars, and Jacob Silvertooth twenty dollars, pages to the House of Representatives the present session for their services.

§ 21. To John L. Moore, for bill of sundries rendered, two hundred and forty-seven dollars and forty-six cents.

§ 22. To Hemming & Quinn, as per bill rendered, eight dollars.

§ 23. To W. P. Loomis, as per bill rendered, three dollars and fifty cents.

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§ 23. To A. Kahr, for baskets, three dollars.

§ 25. To Gray & Todd, as per bill sundries rendered, one hundred and sixty-eight dollars and ninety-five cents.

§ 26. To William M. Todd, as per bill rendered, eighty-four dollars.

§ 27. To T. S. & J. R. Page, as per bill rendered, thirty-eight dollars and fifty cents.

§ 28. To Meek & Milam, as per bill rendered, one dollar and fifty cents.

§ 29. To Dr. J. M. Mills, as per bill rendered, three dollars and fifty cents.

§ 30. To A. G. Cammack, for bill of work and repairs rendered, twenty-eight dollars and seventy cents.

§ 31. To William Robb, to pay Kitty Dudley's bill for washing, two dollars and fifty cents.

§ 32. To William H. Sneed, for his services while acting as librarian up to last of January, when he was accidentally shot, the sum of seventy-five dollars.

§ 33. To Thos. S. Page, for sundries, two dollars and twenty-five cents.

§ 34. To John C. Wickliffe, ten dollars and seventy-five cents; to Sidney A. Foss, three dollars and fifty cents; and to H. K. Rachford, ten dollars and twenty-five cents; Cyrenius Wait, eight dollars and twenty cents, and A. D. Cosby, nine dollars, for their expenses as a committee to examine into the condition and wants of the Eastern Lunatic Asylum.

§ 35. For the support of the Eastern Lunatic Asylum, for two years from 31st December last, the sum of twenty-five thousand two hundred and fifty dollars per annum, or so much thereof as may be actually necessary, payable semi-annually in advance. It shall be the duty of the Superintendent of said asylum to direct and control the expenditures for supplies, and no money therefor shall be paid by the Treasurer except upon his written order.

§ 36. For the support of the Western Lunatic Asylum for the year 1858, twenty-five thousand dollars, and for the year 1859, twenty-five thousand dollars, or so much of said sums as may be actually required, payable semi-annually in advance. The foregoing appropriations to said asylums, are intended to cover the salaries and expenses of officers and attendants, as well as patients admitted therein, for the period named, together with all the expenses attending the conveyance of patients to said asylums, and their discharge therefrom. The sums hereby appropriated for the support of said asylums, shall be paid to the respective Treasurers thereof, on the order of their respective boards of managers. Said managers shall report to the next General Assembly, within two weeks after the first day of the session, a correct state-

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ment of expenses, by items, giving amounts and prices, and showing clearly and specifically how and for what, and when said appropriations were used and expended. The board of managers shall also, at the same time, report specifically how many paying patients they have entertained, what were their names, and how much was received from each; and they shall also report any sums received from the proceeds of the property attached to, or used by said asylum. When no contract has been or shall be made, paying patients shall not be admitted into either asylum at a less rate than one hundred and forty dollars per annum.

§ 37. To "Cumberland Hospital," at Smithland, fifteen hundred dollars per annum, for two years from 31st December, 1857, if the same shall be actually required for its support. This appropriation is made subject to all the rules, regulations, and requirements attached to the appropriations to the Eastern and Western Lunatic Asylums, which are properly applicable.

§ 38. To A. G. Hodges, to pay him for making an index to the forthcoming journals of the Senate and House of Representatives, two hundred dollars.

§ 39. To J. C. Herndon, for the claim of E. H. Tole, for services rendered as sergeant-at-arms to the electoral college of Kentucky in December, 1856, which claim has been transferred to said Herndon, thirty dollars.

§ 40. To Sanford Goins, for firing salute on 8th January, 1858, fifty dollars, and for salute to be fired on 22d February, 1858, fifty dollars.

§ 41. The Governor of Kentucky is hereby authorized to have the usual salutes fired on 8th of January, and the 22d February, 1859, and the cost thereof, when reported to the Auditor of Public Accounts, shall be paid out of the Treasury upon his warrant.

§ 42. To an additional Clerk in the Land Office, to be appointed by the Register, six hundred dollars, to be paid quarterly, for the purpose of comparing the records with the alphabet, and making corrections of the same—this appropriation to be for one year only.

§ 43. To Wm. N. Robb, for two bottles of Gum Arabic, seventy-five cents.

§ 44. To A. G. Cammack, for work done for the Senate, four dollars and fifty cents.

§ 45. To E. H. Tole, for work done for Senate and House of Representatives this session, ten dollars and sixty cents.

§ 46. To Wm. N. Robb, for services rendered to the Senate as Sergeant-at-arms thereof, during the illness of Jno. W. Pruett, twenty dollars.

§ 47. To John P. Reading, for bill sundries rendered, one dollar and eighty cents.

§ 48. To Gray & Todd, for bill sundries rendered, twelve dollars and eighty-five cents.

1858.

§ 49. The sum of twenty-five hundred dollars, or so much thereof as may be required, is hereby appropriated to fence the grounds of the Western Lunatic Asylum.

Approved February 17, 1858.

CHAPTER 829.

AN ACT to increase the salary of the Assistant Secretary of State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Assistant Secretary of State shall be entitled to all fees and taxes collected in the office of the Secretary of State as additional salary and emoluments of office.

Salary of Assistant increased.

§ 2. That all laws requiring the Secretary of State to account to the Auditor for the said fees and taxes, be and the same are hereby repealed.

§ 3. This act to take effect from its passage.

Approved February 17, 1858.

CHAPTER 831.

AN ACT regulating fees of Jailers against the United States.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several County Courts of this Commonwealth shall have full power and authority to fix the prices to be charged the United States, for furnishing bedding, fuel, and keeping the jails clean, when occupied by prisoners confined under the laws of the United States; also, for boarding and lodging guards, and furnishing them with ammunition, when required to keep prisoners confined under the laws of the United States as aforesaid.

§ 2. This act to take effect from its passage.

Approved February 17, 1858.

CHAPTER 833.

AN ACT to incorporate the Portland Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Paul Villier, Nathaniel Plummer, David T. Monsarrat, Wm. A. Duckwall, and John M. Hueston, and their associates and successors, are hereby constituted a

1858.

body corporate and politic, by the name of the Portland Savings Institution, and as such shall possess and exercise all the powers, privileges, and rights of a body corporate, and all the powers granted by this act for the term of twenty-five years, from and after the passage of this act; with a capital not exceeding two hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

§ 2. That the above named corporators, together with such others as may be associated with them, shall have power, and are hereby authorized to elect, at such times and places as may be convenient, a President, Secretary, Treasurer, Attorney, and such other officers as they may deem needful for the transaction of their corporate business, and to take security from any such officers for the faithful performance of their duties; and to make and enforce such by-laws, not inconsistent with public law, as may be necessary for the conduct of said business.

§ 3. That said corporation may commence business from the time of their organization under this act.

§ 4. That said corporation shall have power, and they are hereby authorized, to receive on deposit, gold and silver coin, and bank notes, and issue certificates thereon, and allow such interest as may be agreed upon, and to loan the same at legal rates of interest, and to purchase and collect and dispose of bonds and bills, and to discount notes, but in no case at a greater rate of exchange, interest, or discount, than is allowed by law to the bank of Kentucky; and to purchase and hold such real and personal estate as may be convenient for the transaction of its business; also, to take and hold any real and personal estate as security to secure the payment of any debt due said corporation; or to purchase real and personal estate at any sale made in virtue of any judgment at law or decree in equity in favor of said corporation; to receive, in satisfaction of any debt due to said corporation, any real or personal estate, and to hold the same so long as will enable said corporation to dispose of the same advantageously.

§ 5. That the corporators aforementioned, or a majority of them, may meet at some convenient time and place in the town of Portland, of which due notice shall be given through some newspaper published in the city of Louisville, at which meeting they may open books and receive subscriptions to the stock of said institution: *Provided, however,* that the company shall not commence business until the sum of five dollars shall have been paid upon each share subscribed.

§ 6. That said corporation shall have all the rights and privileges of the chartered Savings Institutions of the State, and shall have a lien on the stock for debts due

them, before other creditors, except the State, and for taxes.

1858.

§ 7. This charter, and all the privileges and rights therein granted, shall be forfeited by any violation of the provisions thereof, by any of the officers of the institution, and also by the failure or refusal, upon the part of the officers thereof, to pay any tax imposed upon the institution by the general laws of this State.

§ 8. The Circuit Courts of Jefferson and Franklin Counties shall each have jurisdiction to try and declare the forfeiture of this charter, upon the petition of the Attorney General or Commonwealth's Attorney, specifying the acts of forfeiture relied on.

§ 9. The General Assembly reserves the right to examine into the condition, business, and affairs of the institution, by any person or committee selected or appointed for that purpose, at any time, and in such manner as the General Assembly may direct.

Approved February 17, 1858.

RESOLUTIONS.

No. 1.

RESOLUTION in relation to election of United States Senator.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That they will, on Tuesday, the 5th day of January next, proceed, by joint ballot, to the election of a United States Senator from Kentucky, to serve from the 4th day of March, 1859.

Approved December 21, 1857.

No. 2.

RESOLUTION requesting the Governor to have a salute fired on the 8th January, and 22d February.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That his Excellency, the Governor, be requested to order a salute to be fired on the 8th of January inst., in honor of the glorious victory won at New Orleans by the American army under Major General Andrew Jackson, over the enemies of our common country; and on the 22d of February next—1st, in honor of the birth day of Washington, and 2d, in honor of the victory obtained on the 22d and 23d February, by the forces of the United States, under the command of Gen. Zachary Taylor, at the battle of Buena Vista, over the Mexican army under General Santa Anna.

Approved January 7, 1858.

No. 3.

RESOLUTION in relation to the appointment of a committee to examine into the Lunatic Asylum at Lexington.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of two of the Senate, and three of the House of Representatives, be appointed to examine the Lunatic Asylum at Lexington, with power to examine and report upon the fiscal condition, as well as other matters, in reference to said Institution.

Approved January 14, 1858.

RESOLUTIONS.

No. 4.

RESOLUTION for the election of Keeper of the Penitentiary.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1858.

That on Thursday next, February 4th, an election shall be held for a Keeper of the Penitentiary.

Approved February 2, 1858.

No. 5.

RESOLUTION for adjournment of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the General Assembly, when they adjourn on the 15th day of February next, they will adjourn *sine die*.

Approved February 3, 1858.

No. 6.

PREAMBLE AND RESOLUTIONS in relation to the Soldiers of the Revolution and War of 1812.

WHEREAS, more than forty years have elapsed since General Jackson fought and won the last great battle of the late war with Great Britain, at New Orleans, on the 8th day of January, 1815, and few of those who participated in that eventful struggle are left to tell the tale of their sufferings and services; by far the greater number, with mutilated limbs and broken constitutions, have gone down to the grave; many of them in penury and want; now and then we see an old survivor, too proud to beg, with shattered frame and mean attire, walking through our streets or retired to some humble cabin in the mountains, sustained by his descendants. The war of the revolution achieved our liberty; the war of 1812 secured for us and our posterity our free institutions forever. In less than forty years after our revolutionary struggle a grateful Congress of the United States passed a general pension law for the benefit of the surviving officers and soldiers of that immortal conflict, at a time when the Public Treasury was empty, the nation poor in all its resources, and heavy war debts hanging over us. Now the nation is rich, its resources almost infinite, and no debt pressing upon us for payment, is it unreasonable to ask that similar justice be done to the grey headed survivors of the war of 1812, and to the widows and children of those who are dead?

Be it therefore resolved, That, in our judgment, the present Congress of the United States ought to extend to the

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surviving soldiers of the war of 1812, and to the widows and orphans of those who are dead, the same pension system adopted for those of the revolution.

Resolved, That every principal of justice requires that the pensions of those who were wounded, or otherwise disabled during the late war, should commence at the date of the disability.

Resolved, That the pension laws in regard to the widows of revolutionary officers and soldiers, as construed and executed for the last twenty-five years, ought still to be administered with a fair and liberal spirit, and not according to technical precedents in civil or criminal cases.

Resolved, That in our opinion the pensions granted to the widows of officers and soldiers, dying or being killed in the service of the United States, ought to be extended years.

Resolved, That a copy of these proceedings be forwarded to the President and Vice President of the United States, and to each of our Senators and Representatives in Congress, with a respectful request of their early and favorable consideration.

Approved February 6, 1858.

No. 7.

RESOLUTION in relation to the final adjournment of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the present session of the Legislature be extended to 2 o'clock, P. M., on the 17th February, 1858, at which hour both houses shall stand adjourned finally.

Approved February 15, 1858.

No. 8.

RESOLUTIONS providing for the raising of a regiment of Kentucky Volunteers to aid in suppressing the rebellion in Utah.

WHEREAS, It appears from information received, that the authorities and people of the Territory of Utah have refused to acknowledge the duties they owe to the Constitution and laws of the United States, and placed themselves in an attitude of open rebellion to the General Government; and it having been recommended in the annual message of the President of the United States, that a sufficient military force be employed to enforce the laws of Congress which are necessary and proper for the government of that Territory; and it being provided in the laws of this Commonwealth, that the Governor shall have power to provide for raising volunteer companies

RESOLUTIONS.

1858. of cavalry, artillery, light infantry, and rifles, agreeably to the laws of the United States, at his discretion. Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of this Commonwealth be, and he is hereby authorized and empowered to organize and officer a regiment of volunteer troops, to be enlisted for such term as their services may be required by the General Government, and tender the same to the President of the United States; and the Governor be requested to offer such regiment to the War Department as soon as it may be organized under this resolution.

Resolved: That copies of this resolution be transmitted, immediately, to the President of the United States; and also to our Senators and Representatives in Congress, with the request that they present the same to the consideration of that body, and urge that provision may be made by law for the acceptance and equipment of such regiment.

Approved February 15, 1858.

No. 9.

RESOLUTION in relation to the duties of Public Printer.

WHEREAS, there exists no directory in this State, whereby the citizens thereof can be informed who their Public State Officers are, the post offices, and length of term: For remedy whereof,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer be directed to publish, in the fore part of the Acts of the General Assembly, the names of the Officers of this State, to-wit: Executive, Legislative, and Judicial.

Approved February 16, 1858.

No. 10.

RESOLUTION in relation to the Federal Court.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators and Representatives in Congress, be requested to use their efforts for the passage of a law providing, in addition to the terms of the United States Circuit and District Courts now held in Frankfort, that there shall be held, in the City of Louisville, two annual terms of said Courts, and such special terms as the business may require.

Approved February 16, 1858.

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No. 11.

RESOLUTION in relation to the pay of William Chenault, late a member of the House of Representatives.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1858.

That Auditor of Public Accounts be directed to draw his warrant upon the Treasury in favor of David W. Chenault, administrator of William Chenault, dec'd., for such compensation for his services as a member of this session of the Legislature, as is usual in such cases.

Approved February 17, 1858.

No. 12.

RESOLUTION in relation to Daniel Clarke.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That for long and faithful services, the Auditor be and he is hereby authorized to draw his warrant on the Treasury for fifty dollars, in favor of Daniel Clarke, the servant in the Executive Office of this Commonwealth.

Approved February 17, 1858

No. 13.

RESOLUTION authorizing the Governor to change a name in an enrolled act.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor be requested and he is hereby authorized to change the name of "Ferrell's" creek to that of "Terrill's" creek, in the act establishing the county of Jackson, passed and approved during the present session.

Approved February 17, 1858.

No. 14.

RESOLUTION in relation to indexing, &c., the Laws of the present session of the Legislature.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the acts passed at the present session, amending, changing, or repealing the Revised Statutes and Codes of Practice, and all acts of a general nature, be printed under the superintendence of the Attorney General, whose duty it shall be to prepare a full and accurate index of the same, including the alterations, changes, and amend-

1858. ments of the Revised Statutes and Codes of Practice. He shall make the necessary side-notes, referring to the title, chapter, and page of the Revised Statutes or the Codes of Practice, altered, changed, amended, or repealed. He shall receive for his services such compensation as the Governor may deem reasonable, not exceeding, however, the amount heretofore allowed, by law, to the Clerk of either House of the General Assembly for making an index to his journal.

Approved February 17, 1858.

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Local and Private Acts
OF
THE STATE OF KENTUCKY,

PASSED AT THE SESSION WHICH WAS BEGUN AND HELD
IN THE CITY OF FRANKFORT, ON MONDAY THE
7TH DAY OF DECEMBER, 1857, AND ENDED
WEDNESDAY, FEBRUARY 17TH, 1858.

CHARLES S. MOREHEAD, GOVERNOR; JOHN Q. A. KING, SPEAKER
OF THE SENATE; DANIEL P. WHITE, SPEAKER OF THE HOUSE
OF REPRESENTATIVES; MASON BROWN, SECRETARY OF STATE.

CHAPTER 2.

AN ACT to change the state road in McCracken county.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That the County Court of McCracken county may,
at any term, upon the motion of J. B. Read or his attor-
ney, alter and change the State road, known as the
Greys ferry road, in said county, at or near the dwelling
house of said Read.

§ 2. That before said road is changed it shall be the
duty of said court to appoint at least three discreet and
disinterested viewers, to examine the proposed change,
and to make their report on the same; and before they
proceed to act they shall, each, first be duly sworn as
other viewers of roads; and all costs attending said ap-
plication shall be defrayed by said Read.

§ 3. This act to take effect from its passage.

DANIEL P. WHITE,
Speaker of the House of Representatives.
JOHN Q. A. KING,
Speaker of the Senate.

Approved December 16, 1857.

C. S. MOREHEAD.

By the Governor:

MASON BROWN, *Secretary of State.*

1857.

County Court
may change
road.

Viewers to be
appointed.

1857.

CHAPTER 3.

AN ACT for the benefit of Marshall Baker, late Sheriff of Greenup County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Marshall Baker, former Sheriff of Greenup County, have the further time of two years to collect his taxes and fee bills, which were entitled him at the expiration of his sheriffalty.

Approved December 16, 1857.

CHAPTER 8.

AN ACT to incorporate the Paroquet Springs Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporator's
names.

Corporate name

Capital stock.

Powers and
duties.

May purchase
Springs, &c.

§ 1. That Levi Tyler, Wm. Gay, Thomas Slevin, Ed. H. Summers, F. G. Murphy, Richard H. Field, and Samuel Stedman, with their associates, shall be and are hereby created a body politic and corporate, under the style and name of the Paroquet Springs Company; and by that name shall have corporate existence and succession, with the rights and privileges of a corporation for specific purposes; and may contract and be contracted with, sue and be sued, have and use a corporate seal, and make, ordain, and put in force, the necessary and proper by-laws for the government of said corporation, and the management of its financial and incidental affairs.

§ 2. That the capital stock of the Paroquet Springs Company, shall not exceed two hundred thousand dollars, divided into shares of one hundred dollars each, which shall be personal estate, and pass by written transfer on the books of the corporation, in such manner as the by-laws shall prescribe.

§ 3. That the persons named in the first section of this act, shall be the first Board of Directors of the corporation, and they shall elect one of their own body as the President of the board; the President and Directors shall keep a record of the proceedings, and may appoint a secretary, and such other officers and agents as they may think necessary for the management of the corporate business, and take bond and security for the faithful discharge of the duties confided to each.

§ 4. The President and Directors may purchase the Paroquet Springs, in Bullitt county, Kentucky, either for cash or stock in the corporation, as they may agree with the proprietors, and with the springs not exceeding three hundred acres of land, and may improve the same as a watering place, for the accommodation of the public, by building the necessary hotels, cottages, bath rooms, stables, and other buildings, and furnish, or cause the same

1857.

to be furnished, and keep, or cause said springs to be kept, as a watering place for the accommodation of the public, by themselves, their agents, or tenants.

§ 5. In improving said springs they may contract with a tenant or tenants to construct the necessary buildings, and pay for the same in the stock of the company, or in the rents of the springs, or part stock and part rent, or part cash.

May contract with tenant.

§ 6. They may agree with the proprietors as to the capital stock of the company, not exceeding two hundred thousand dollars, and the rate at which the stock may be sold for the improvement of the springs, and also as to the amount for which the corporation may mortgage the springs for their improvement, but such mortgage shall not exceed the amount of the capital stock.

Capital stock.

May make mortgage.

§ 7. The first Board of Directors shall continue in office eighteen months after the passage of this act, unless a majority of the stockholders shall choose seven other directors to succeed them, upon ten days public notice, by the stockholders to the number of fifty shares, in one or more newspapers published in Louisville and Bardstown, of the time and place of such election.

Term of office.

§ 8. After the first Board of Directors go out of office, there shall be an annual election of a board of seven directors to manage the affairs of the company, at such time and place, and upon such notice, as the by-laws shall prescribe; but the existing board shall continue until their successors shall be elected and qualified; and when a vacancy, from any cause, shall exist in the board, a majority of the remaining shall elect another director to supply the vacancy, until the next election of stockholders. No person shall be eligible as a director who is not also a stockholder.

Election of Directors, &c.

§ 9. The President and Directors shall cause a full and detailed account of the transactions of the company to be made on the 1st of January of each year, and a printed copy furnished to each stockholder whose residence is known to them, and also a full and detailed account at each meeting of the stockholders.

Shall make out report of transactions.

§ 10. The said corporation shall be limited to the purchase and improvement of said springs, and the necessary accommodations of the public, at the same, by themselves, their agents, or tenants, with the real and personal estate necessary for that purpose, and the corporate powers necessary and proper to effect the same.

Limit of powers of corporation.

Approved December 19, 1857.

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CHAPTER 9.

AN ACT for the benefit of Wm. B. White, H. L. Tye, W. C. Gillies, and Dempsey King.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Further time
allowed White
and Tye to col-
lect fee bills.

§ 1. That the further time of two years, from and after the passage of this act, shall be given to Wm. B. White, Sheriff of Whitley county, for the years 1853 and 1854, and H. L. Tye, Sheriff of said county, for the years 1855 and 1856, to collect their unpaid lists of taxes and fees; and that they be permitted to list the same for collection with any proper officer, under the laws now in force governing the collection of taxes and fees.

W. C. Gillis—
further time al-
lowed to collect
fee bills.

§ 2. That the further time of two years, from and after the passage of this act, be given William C. Gillis, late Surveyor of Whitley county, to collect his unpaid list of fees; and that he be permitted to list the same for collection with the proper officers, under the laws now in force regulating the collection of fees.

D. King—further
time allowed
to collect fees,
&c.

§ 3. That Dempsey King, late Sheriff of Knox county, be allowed the further time of two years, from and after the passage of this act, to collect his unpaid taxes and fees for the years 1853 and 1854, under the laws now in force regulating the collection of taxes and of officers fees.

Approved December 19, 1857.

CHAPTER 10.

AN ACT to amend the Mechanics Lien Law of Hickman and Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

None but 'boss'
workmen allow-
ed lien.

§ 1. That an act, entitled, an act for the benefit of the mechanics and laborers of Oldham, Hickman, Garrard, and Hancock Counties, approved March 10, 1856, be and the same is hereby so amended, as to Hickman county, that none but the boss workman, or person contracting, shall have or assert the lien specified in said act; and that sub-contractors, workmen employed, and material-men, furnishing materials for building, shall in no wise assert said lien, unless they have contracted with the owner.

Graves county.

§ 2. That this act, and the act to which this is an amendment, shall apply to the county of Graves.

§ 3. This act shall take effect from its passage.

Approved December 19, 1857.

CHAPTER 11.

1857.

AN ACT to incorporate the Union Coal and Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles B. Coons, Thomas J. Pickett, James Barbour, Marcus A. Finch, Thomas A. Matthews, William S. McKibben, Samuel W. McKibben, George W. Coons, Francis L. Cleaveland, John Stockton, and Harrison Taylor, and their successors, are hereby created a body politic and corporate, under the name and style of the "Union Oil and Coal Company;" and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; may make all necessary by-laws and regulations for the government of the said company, not inconsistent with the constitution and laws of the States of Virginia and Kentucky, or of the United States.

Corporators.

Name and style,
&c.

§ 2. That said company shall have power and authority to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations which may, from time to time, be adopted by said company for its government and the transaction of its business.

Powers and
duties.

§ 3. The capital stock of said company shall be one million of dollars, with power to increase it six hundred thousand dollars more, to be divided, into shares of one hundred dollars each, which may be subscribed and paid for in such manner as may be prescribed by said company in their by-laws; and said shares may be transferred in such manner as the said company, by its by-laws, may direct.

Capital stock.

§ 4. That said company shall have power to hold such real estate in the States of Virginia and Kentucky, or either of them, by lease, purchase, or otherwise, and such personal property as they may deem necessary and proper for carrying on the mining of coal, and transporting the same to market, the manufacture of oil and other products from coal, the manufacture of iron and other minerals, the product of such real estate, with power to sell and convey the same at pleasure; and to the purposes aforesaid, the business of said company shall be confined.

May hold real
estate, &c.

§ 5. And whereas said corporators, under articles of partnership, are now engaged in the business authorized by this charter, under the name and style of Coons, Pickett & Co.; the said Coons, Pickett & Co., may transfer all their partnership property, rights, and credits to the corporation created by this act, which transfer shall be, by

Coons, Pickett
& Co. may make
transfer to this
company, &c.

1857.

May use powers
in Virginia.

deed duly made and recorded where their real estate may be situated, and in the county of Mason, State of Kentucky, where they have held their principal office.

§ 6. That the company hereby created may use and exercise, in the State of Virginia, such corporate powers as the Legislature of that State may confer upon them, not inconsistent with the nature of the corporate privileges hereby granted.

§ 7. This act shall take effect from and after its passage.

Approved December 19, 1857.

CHAPTER 13.

AN ACT for the benefit of Common School District No. 20, in Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be and he is hereby directed to issue his warrant on the Treasury in favor of the Trustees of Common School District No. 20, or their order, in Fulton county, for the sum of seventy-four dollars and forty cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved December 19, 1857.

CHAPTER 14:

AN ACT for the benefit of G. B. Broaddus, late Sheriff of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That G. B. Broaddus, late Sheriff of Madison county, be and he is hereby allowed until the 1st day of January, 1860, to collect the uncollected taxes, fee bills, and county levies due him, as Sheriff of said county; and he shall have power to distrain for and collect the same as he had while acting as Sheriff, being liable to the provisions of the laws now in force for any illegal acts done in collecting the same, and for issuing and collecting illegal fee bills: *Provided*, that he may list said taxes and fee bills with the Sheriff of the county, whose duty it shall be to collect and account for the same as for other taxes and fee bills.

Approved December 19, 1857.

CHAPTER 15.

1857.

AN ACT for the benefit of the Richmond and Lexington turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Richmond and Lexington turnpike road company be authorized to contract with the County Courts of Madison and Fayette, or with any person or persons, for the building of a bridge across the Kentucky river at or near Clay's ferry, and to assign and transfer to the person or persons contracting to build such bridge the right to have and collect all tolls which the said company are or may be entitled to charge for the passage of persons and property over the same.

May contract for bridge across Kentucky river.

§ 2. That said company be authorized to change the location of their road, in the vicinity of said ferry, so as to secure the building of said bridge at the most advantageous point; and for that purpose, to purchase of the proprietors any lands for that purpose; or, in case of disagreement as to the price, they may summons a jury to condemn the same, in the manner provided in the Revised Statutes.

May change location of road.

§ 3. That said company may charge for passage over said bridge the same rates of toll as those now in force for passage over the bridge of the Lexington and Danville turnpike road, near the mouth of Hickman creek.

May charge toll at bridge.

Approved December 19, 1857.

CHAPTER 16.

AN ACT for the benefit of William Williams, of Owsley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Williams, late Clerk of the Owsley Circuit and County Courts, be and he is hereby allowed the further term of two years, from and after the passage of this act, to list with the proper officer, the fees due him as clerk aforesaid; and that said fee bills have all the distrainable quality that are now given to the clerk's fees of this Commonwealth; and that said clerk be subject to the pains and penalties, as now provided by law, for issuing illegal fee bills.

Allowed further time to collect fees.

§ 2. That the officer or officers, so receiving said fee bills, shall be responsible and liable, as now provided by law, for failure of duty, in any respect, as is now provided by law in similar cases.

Collecting officers liable for fees.

Approved December 19, 1857.

1857.

CHAPTER 17.

AN ACT to amend an act, entitled, an act to incorporate the Kenton County Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Original charter amended.

Quorum.

Board of Control may expel disorderly persons from grounds.

§ 1. That an act, entitled, an act to incorporate the Kenton County Agricultural Society, be so amended, in the 4th section, as to read, after the words shall be under the control, thus, of a President, Vice President, Secretary, Treasurer, and twelve Directors, any seven of whom shall constitute a quorum, who shall be elected annually by the stockholders; said board of control shall have power to appoint such other officers and agents as they may deem necessary, and require bonds from them, or either of them, for the faithful performance of their duties. The Treasurer, before he enters upon the discharge of his duties, shall enter into such bond as said board may require of him.

§ 2. That said board of control are hereby empowered to eject from their grounds all disorderly, lewd, or obnoxious persons, whose presence they may deem detrimental to the interests of said society; any person returning to said ground, after being so ejected, without the consent of said board, shall, for each return, be fined in a sum not exceeding thirty dollars, or imprisoned not exceeding fifteen days, or both so fined and imprisoned, at the discretion of the jury.

§ 2. This act shall take effect from and after its passage.

Approved December 19, 1857.

CHAPTER 18.

AN ACT to amend the laws relating to the county levy of Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

City of Newport to pay claims.

§ 1. That all claims for holding Coroner's inquests in the City of Newport, and claims of officers of elections for holding elections in said city, shall hereafter be paid by said city, when satisfactorily proven to the City Council; and shall not be allowed out of the county levy of Campbell county.

Newport Justices not to sit in the Court of Claims.

§ 2. That the Justices of the Peace for Campbell county, who reside in the City of Newport, shall not be permitted to sit at the Court of Claims in the county of Campbell.

Approved December 19, 1857.

CHAPTER 19.

1857.

AN ACT to amend the charter of the Hickman and Graves county Plank Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, "an act to incorporate the Hickman and Graves county Plank Road Company," approved March 7th, 1856, be and the same is hereby so amended as to prohibit said company, in the construction of said plank road, from obstructing the dirt road in said county of Hickman, leading from Columbus to Feliciana.

Approved December 19, 1857.

CHAPTER 20.

AN ACT for the benefit of J. C. Oliver, late Sheriff of Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time, until the 1st day of January, 1859, be allowed J. C. Oliver, late Sheriff of Anderson county, to distrain for and collect his out-standing and uncollected fees, and taxes, due for the years 1853, 1854, 1855, and 1856.

§ 5. This act shall take effect from and after its passage.

Approved December 19, 1857.

CHAPTER 21.

AN ACT for the benefit of Wm. J. Fields, late Sheriff of Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William J. Fields, late Sheriff of Carter County, be allowed the further time of two years, from and after the passage of this act, to collect all taxes and county levies and fee bills, in his hands, which were due him for the years 1855 and 1856, and that he be empowered to distrain for and collect the same himself, or list them with the acting Sheriff of said county, for collection, but is to be responsible, as any other Sheriff, for any illegal acts; and that this act shall take effect from and after its passage.

Approved December 19, 1857.

1857.

CHAPTER 22.

AN ACT to amend an act, entitled, an act incorporating Springfield, Maxville, and Willisburg Turnpike Road Company, in Washington county, approved March 3rd, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Part of charter
repealed.

§ 1. That so much of the act to which this is an amendment, as requires said road to be branched at or near John P. Mitchell's, be and the same is hereby repealed; and that the President and Directors of said road are hereby directed to locate said branch road up May's creek, so far as the said creek may be the best and most practicable route for said road to be made; and then the best way therefrom to the said town of Maxville.

Width of road.

§ 2. That the width of said road shall be not more than thirty-five feet, and the graded part thereof twenty-two feet in width between the ditches; and so much of the charter as requires other distances in said roads be and the same is hereby changed.

Approved December 19, 1857.

CHAPTER 23.

AN ACT to amend an act, entitled, an act to amend the charter of the Winchester and Mountsterling Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 13 of the
charter repealed.

§ 1. That so much of the 13th section of an act to amend the charter of the Winchester and Mountsterling Turnpike Road Company, approved February 26, 1849, as restricts the erection of a toll gate to the completion of each continuous section of four and three-fourths miles of said road, be and the same is hereby repealed, so far as it affects the road in Clarke county; and that the President and Directors of the appropriate board of said company, be and they are hereby empowered to erect two toll gates upon their road already completed in Clarke county, in the same manner and upon the same terms and conditions as now required by said section of said act, and to collect toll for all travel and transit through the same, according to the rates and rules now established by said act; but toll shall not be collected at the toll gate on said road, in Clarke county, farthest from Winchester, for a longer time than three years from the time of its erection hereafter, unless, within said period, the road be entirely completed from Winchester to the Clarke and Montgomery county line.

May erect two
toll gates on
road in Clarke
county.

Part of the 12th
sec. of charter
repealed.

§ 2. That so much of the 12th section of said act, to which this is an amendment, as reads as follows, viz: "And that part of the public road between said Winches-

ter and Mountsterling, where the same intersects the Clarke and Montgomery county line, shall be a point on which said road shall be located," be and the same is hereby repealed.

1857.

§ 3. This act shall take effect from its passage.

Approved December 19, 1857.

CHAPTER 24.

AN ACT for the benefit of Wm. Marshall, Jailer of Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall and may be lawful for the County Court of Bracken County to pay to William Marshall, Jailer of Bracken County, his legal fees for receiving and keeping William Clineff, as a vagrant, and also his legal fees for receiving and keeping one Joseph Timothy Broadpeak, a man of color, placed under his charge as a runaway slave, with interest on the same, at six per cent. per annum, from the first Court of Claims next succeeding the liberation of said prisoners.

Approved December 19, 1857.

CHAPTER 25.

AN ACT for the benefit of certain Clerks of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years, from the 10th day of March next, be allowed to Charles F. Wing, late Clerk of the Muhlenburg Circuit Court; W. H. C. Wing, late Clerk of the Muhlenburg County Court; and Wm. B. Wall, late Clerk of the Daviess Circuit and County Courts, to list with any collecting officer their respective unpaid fee bills for the years 1850 to 1855, inclusive; and said officers are hereby authorized to collect and account for the same, under the same rules, regulations, and penalties now provided by law: *Provided*, Said Clerks be severally subject to all the penalties prescribed by law for issuing illegal fee bills.

Clerks allowed
further time to
collect fee bills

Approved December 19, 1857.

1857.

CHAPTER 26.

AN ACT to repeal an act establishing the office of County Treasurer for Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act of March 10,
1856, repealed.

That an act, entitled, an act approved March 10th, 1856, creating the office of County Treasurer in Bracken county, be and the same is hereby repealed; and that hereafter the collector of the county levy for Bracken county shall do and perform all the duties that now devolve on the County Treasurer, and money belonging to the county shall be paid into his hands; said collector shall be liable on his bond, given for the collection of the county levy, for the faithful discharge of his duty, and pay the same out according to the orders of the County Court. The said collector shall settle with the County Court at least twice a year; he shall be allowed one per cent. for all money by him paid out: *Provided*, That this act shall not take effect until the first day of March next.

Approved December 19, 1857.

CHAPTER 27.

AN ACT for the benefit of John Friend, late Sheriff of Floyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Friend, late Sheriff of Floyd County, have the further time of two years to list, for collection, the fees and taxes due him as Sheriff of said county; and the said fee bills and taxes shall have the distrainable quality given to other fees in this Commonwealth; and that said Friend shall be subject to all the pains and penalties now inflicted upon Sheriffs for collecting illegal fee bills; and the officers, so receiving them, shall be liable as now provided by law for defalcations or failure of duty.

§ 2. This act shall take effect from its passage.

Approved December 19, 1857.

CHAPTER 28.

AN ACT to repeal an act, entitled, an act to amend the road law of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, an act to amend the road law of Harrison county, approved February 15, 1856, be and the same is hereby repealed; and all laws in force at the pas-

sage of said act, and repealed by it, be and are hereby revived and declared to be in full force.

1857.

Approved December 19, 1857.

CHAPTER 29.

AN ACT for the benefit of school district No. 22, in Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the School Commissioners for the county of Meade to pay over to the Trustees for district No. 22, in said county, the amount due said district for the year 1857, as though the report had been regularly returned by said Commissioners. This act to take effect from its passage.

Approved December 19, 1857.

CHAPTER 31.

AN ACT to incorporate the Adairville Lodge of Free and Accepted Masons, No. 238.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Adairville Lodge, No. 238, in Adairville, Logan county, of Free and Accepted Masons, be and the same are hereby created a body politic and corporate, by the name and style of "Adairville Lodge, No. 238," with perpetual succession, and by that name and style shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use and benefit of said Lodge; to recive all necessary conveyances; to sell, convey and dispose of all such real and personal estate as they may now have, or hereafter acquire: *Provided*, The amount of real estate, exclusive of buildings, shall at no time exceed ten thousand dollars.

§ 2. That the management of the business and affairs of said corporation shall be and is hereby confided in the Master, Wardens, Secretary, and Treasurer, of said Lodge, and their successors in office, perpetually, as trustees thereof, who, or a majority (which majority shall include the Master at the time being,) of whom, shall have power to make all contracts pertaining to personal or real estate of said Lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation: *Provided*, That said trustees shall pass such by-laws and regulations as may be in conformity with the laws of Kentucky, and of the United States, and as shall

Corporators.

Corporate nam
and style.

To whom busi-
ness confided.

Corporate pow-
ers.

1857.

be necessary to the safe keeping of the property and other interest of the Lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

To whom the
property reverts

§ 3. That if said Lodge shall at any time become dissolved, or have their charter taken from them by the Grand Lodge of Kentucky, then, in either case, the real estate belonging to said Lodge to be disposed of by or vest in the aforesaid Grand Lodge.

§ 4. The Legislature hereby reserves the right to repeal or change this act at pleasure.

Approved December 19, 1857.

CHAPTER 32.

AN ACT to repeal an act establishing the town of Rowena, in Russell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled, an act to establish the town of Rowena, on the land of John Levridge, in Russell County, and for other purposes, and approved the 10th February, 1845, as relates to the establishment of said town, be and the same is hereby repealed.

§ 2. This act to take effect from its passage.

Approved December 19, 1857.

CHAPTER 34.

AN ACT for the benefit of Samuel R. Reynolds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May make a
will.

§ 1. That it shall be lawful for Samuel R. Reynolds, of Jessamine county, to make and publish a last will and testament, which shall be as legal and valid as if the said Samnel R. Reynolds was now of full age.

Will to be
proven.

§ 2. Before the will aforesaid shall be put to record by the County Court of Jessamine county, the same shall be proven as now required by law in cases of wills made by adults.

§ 3. This act shall take effect from its passage.

Approved December 21, 1857.

CHAPTER 35.

1858.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article 5, title "Taxation," section 1st, of the charter of the city of Covington, be so amended as to read thus: The City Council shall have power to assess and collect taxes on such real estate in said city, and on such personal estate, slaves, *choses in action*, and moneys within the city, or belonging to the inhabitants of said city, as they may designate, and such as now are, or from time to time may be, taxable by the laws of this Commonwealth, not exceeding, &c.

City Council may assess and collect taxes on all species of property.

§ 2. Whereas, doubts exist as to whether or not certain assessments and taxes upon certain articles of property, money, rights, and *choses in action*, which have been made and collected by the city of Covington, were authorized by the charter of said city, therefore, *Be it enacted*, That upon and in conformity with the assessments made within six years last past, the City Council of said city may impose a tax upon all *choses in action* and moneys authorized to be taxed by the foregoing section, not exceeding the taxes heretofore assessed on the same for the last six years, and collect the same from all persons who have failed to pay the taxes heretofore imposed, or who having paid may recover back said taxes; but payments made and not recovered back, shall operate as payments of the taxes hereby authorized to be imposed.

May impose tax on *choses in action*, &c., according to assessment for six years.

§ 3. That all actions to recover from said city the amount of taxes which have been or may be illegally or erroneously collected, shall be prosecuted within three months after the cause of action arose, and not afterwards; but this act shall not apply to causes of action now existing until the first day of January, 1858.

Actions, when to be prosecuted

§ 4. That this act, except as provided in the third section, shall take effect from its passage.

Approved January 1, 1858.

CHAPTER 36.

AN ACT for the benefit of Jacques Guedin.

Whereas, the presiding Judge of Bourbon County, by authority of law, on the first day of February, 1852, issued thirty-three bonds of said county, numbered from one to thirty-three, consecutively, for one thousand dollars each, payable in thirty years, bearing interest at the rate of six per centum per annum, payable semi-annually in the city of New York, with coupons attached, which bonds were payable to and received by the Covington and Lexington

Preamble.

1858.

Railroad Company, in payment of so much stock by the said county subscribed to the said company; and it is represented that two of said bonds, numbered one and thirteen, were, by said company, assigned and delivered to Jaques Guedin, of the City of New York, and that said bonds were afterwards stolen from or casually lost by the officers of the Mechanics Bank of New York, where the said Guedin had deposited them for safe keeping, and though diligent search and enquiry have been made for them, they have not been recovered; and whereas, the said Guedin desires the said county to issue to him two bonds of the same amount and character with those lost, but the presiding Judge has decided that he has no authority to issue them.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jacques Guedin may file a petition against Bourbon county and Covington and Lexington railroad company, &c.

That it shall be lawful for the said Jacques Guedin to file a petition in the Bourbon Circuit Court, against the said county and company, and the unknown holders of the said bonds, and cause process to be executed upon the presiding Judge of Bourbon County, and upon the President of the said Railroad Company, and an order of warning to be made against said unknown holders; if any there be, and published as the court may require; and upon the said court being made satisfied that said bonds have been lost, and not recovered, and the said Guedin having executed bond to the satisfaction of the court, conditioned to indemnify and save harmless the county from all loss, damage, cost, and charges arising from or in consequence of said lost bonds, or for the cancelment or redemption of the same should the county be required to redeem them, it may order and decree that said bonds, if in existence, shall be delivered up to be cancelled, and declare the said bonds null and void, which decree shall be conclusive against the validity of said bonds, unless within three years from the rendition of said decree one or more of said bonds shall be produced, and good cause shown for opening said decree. The said court shall also order the County Court to issue two more bonds, of the amount of one thousand dollars each, redeemable on the first day of February, 1862, bearing the same interest as those lost, and in all respects like them except as to their dates and numbers. The said Circuit Court shall cause the publication of such orders, in said proceedings, as in the discretion of the court shall be deemed proper; the said Guedin shall be required to bear the expense of said proceeding, unless the court for sufficient reason, shall otherwise order.

Approved January 1, 1858.

CHAPTER 37.

1858.

AN ACT to amend the several acts giving to the County Court of Madison power to subscribe stock in turnpike road companies in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws now in force, giving to the Madison County Court power to subscribe for stock in any of the turnpike road companies in said county, without first submitting the proposition to do so to the qualified voters of the county, be and the same are hereby repealed.

Former acts repealed.

§ 2. That power is hereby vested in the County Court of Madison to subscribe stock in any of the chartered turnpike road companies now in said county, or that may be hereafter incorporated: *Provided, however,* That before proceeding to make any such subscription of stock, said County Court shall submit the propriety of doing so to the vote of the qualified voters of said county, and have such vote taken in the same manner that elections for Sheriffs are required, by law, to be conducted, and at such time as the court may direct, and if a majority of all the votes cast be in favor of such subscription of stock, it shall be the duty of said court to make such subscription, and levy the amount thereof upon the property within said county, subject to the payment of state revenue; and the Sheriff shall collect and pay over the same to the Treasurer of said county, within the same time, and under the same liabilities and penalties prescribed for the collection and payment of the State revenue tax, and shall have the same power to enforce the collection thereof, and shall receive, as compensation for his services, five per cent. upon the amount collected and paid over, and the said County Court may distribute the sum subscribed in the assessment of taxes to pay it through two or more years. If a majority of all the votes cast at said election shall vote against said subscription being made then said court shall not make it.

County Court may subscribe stock in turnpikes on certain conditions.

Approved January 2, 1858.

CHAPTER 38.

AN ACT, entitled, an act to amend an act incorporating the Bloomfield and Springfield Turnpike Road Company, approved January 23, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the County Court of Nelson county, and the County Court of Washington county, to subscribe to and take any part of the capital stock of the Bloomfield and Springfield Turnpike Road Company which may not already have been subscribed for and taken; and that the town or corporation of Bloomfield, are

Nelson County Court may subscribe stock.

1858.

authorized to subscribe for and take any amount of the capital stock of said company not exceeding twenty shares each: *And, provided further*, That the County Court of Nelson county, is authorized to appropriate the proceeds due, or that may be hereafter due her county, from the Bloomfield and Fairfield Turnpike to the finishing of the Bloomfield and Springfield Turnpike Road, and any amount subscribed and appropriated to the same shall be held as so much of the capital stock of the company, &c.

May erect gate.

§ 2. That the company may erect their gate for receiving toll next to Bloomfield, on either the eighteenth or nineteenth sections of said road, as surveyed by the engineer: *And, provided further*, That they may also erect a gate and receive toll at or near the foot of Piles or Beech fork Hill, as though the whole road was complete, and subject to the same restriction.

Unlawful to drag logs on the road.

§ 3. That it shall be unlawful for any person or persons to drag logs, heavy timbers, or stone on the said Bloomfield and Springfield Turnpike Road, and any one thus offending, shall be subject to a fine of five dollars for every such offense, to be applied to the use of the company for repairing said road, and may be recovered by the company by warrant in any Quarterly or Justices' Court having jurisdiction where the offense is committed: *Provided further*, That the company be required to put up a written notice of this section, on the erection of any gate for toll purposes on said road. This act to take effect from its passage.

Approved January 2, 1858.

CHAPTER 39.

AN ACT to organize a second Fire Company in the city of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

[Company, how organized.

§ 1. That any of the citizens of Frankfort, not exceeding seventy-five in number, shall be and they are hereby authorized to organize a Fire Company, as soon as twenty citizens of said city have joined said company; may proceed to the election of a Captain, one first and one second Lieutenant, Treasurer, and Clerk; the said officers to appoint such other officers as they may deem necessary; and the company, or a majority, may make such rules and regulations, and by-laws, as may be considered proper and useful, and not in violation of the laws of the Commonwealth, for the good management and discipline of said company.

May make by-laws, &c.

Name and style.

§ 2. When said twenty members have joined, the company shall be organized, and known by the name of the "Rough and Ready Fire Company, No. 2," and have

power and authority to receive, from the city authorities, and from individuals, an engine and apparatus, hose and carriage, and all other apparatus necessary and useful, as property of a Fire Company, and to receive donations of money or property for the purpose of keeping up and promoting the purposes of a Fire Company, and hold the same for that purpose only; and, at any time they shall disband or fail to carry forward the purposes of their organization, as a Fire Company, the property of every kind received by them shall belong to said city of Frankfort.

§ 3. The company may prescribe, by their by-laws, the number of regular meetings at which the members shall assemble, and do such duty, in practicing, as may be prescribed; and fines may be affixed for failure to attend meetings, or perform services such as may lawfully be required of them; they shall be prompt in attendance at their engine house on alarm of fire, or at the place where their engine and apparatus have been taken, on such an alarm, and there obey the orders of their officers, under the penalty of paying such fines as the by-laws of the company may affix to such failure of duty; and all fines assessed for any lawful cause may be collected, by such person as the company may appoint for the purpose, or by any Constable, or by the Marshal of Frankfort; and on failure to pay the collector, or other officer, may sue in the name of the company therefor, before the Police Judge, or any Justice of the Peace of Frankfort, and recover the same with costs, such as are allowed Constables and the Marshal of said city for similar services.

§ 4. The Clerk and Treasurer shall keep proper books, and enter all proceedings regularly belonging to their respective offices; each shall receive for his services such compensation as the rules of the company may allow, and the officers collecting fines and assessments shall receive such compensation as the by-laws of the company allow; all fines shall be appropriated to such purposes as may advance the usefulness of the company and their property; all orders to be paid on the direction of the principal officers of the company, and signed by the senior one present; and a majority of the officers shall constitute a board of assessment at any time, but an appeal may be taken to a full board, to be constituted by the whole number in office at the time, and their decision shall be final; and when judgments are entered by the proper courts, in favor of the company, against any of its members, a *capias pro fine* may issue therefor.

§ 5. So long as the officers and members continue in service in said company they shall be exempt from doing militia duty and serving on juries: *Provided, however,* Any member may be expelled by a vote of the company, or

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Powers and duties.

Company may fix number of meetings, &c.

Fines, how imposed and collected.

Clerk and treasurer, their duties, &c.

Board of assessment.

Members of company exempt from militia duty & juries

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a majority thereof, for bad character, failure or neglect to do duty, or for failure or refusing to pay fines.

§ 6. This act shall take effect and be in force immediately after its passage.

Approved January 2, 1858.

CHAPTER 41.

AN ACT for the benefit of James H. Parker, Clerk of the Campbell County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James H. Parker, Clerk of the Campbell County Court, shall have the further time of two years to collect his fee bills, under the laws now in force for the collection of fee bills, subject to all penalties and liabilities now imposed by said laws. This act shall take effect from its passage.

Approved January 2, 1858.

CHAPTER 42.

AN ACT to amend an act to reduce into one the several acts relating to the town of Taylorsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the 14th section of an act to reduce into one the several acts relating to the town of Taylorsville, approved March 10th, 1856, which allows the Marshal of said town the powers of a Constable in the county of Spencer, be and the same is hereby repealed; and hereafter the jurisdiction and authority of Marshal shall be confined to the town of Taylorsville. This act to take effect from its passage.

Approved January 2, 1858.

CHAPTER 43.

AN ACT for the benefit of School District No. 13, in the county of Oldham.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Superintendent of Public Instruction be and he is hereby directed to draw an order upon the Auditor of Public Accounts for the sum of seventy-seven dollars, to be paid out of the Common School fund, to the School Commissioner of Oldham county, for the benefit of school district No. 13, in said county.

Approved January 2, 1858.

CHAPTER 44.

1858.

AN ACT to amend the charter of the Harrod's Creek Academy.

§ 1. That the name of Harrod's Creek Academy, in Oldham county, be and the same is hereby changed to that of Goshen Academy, by which name it shall be hereafter known and styled.

Name changed.

§ 2. That the Trustees of said Goshen Academy shall have full power to confer, on the graduated pupils thereof, the title of Master or Mistress of English Literature, and to bestow such other degrees and honors as appropriately belong to similar institutions.

Trustees may confer degrees.

Approved January 2, 1858

CHAPTER 45.

AN ACT to incorporate Walton Lodge, No. 202, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Walton Lodge, No. 202, of Free and Accepted Masons, of the town of Fiskburg, in Kenton county, be and the same are hereby created a body politic and corporate, by the name and style of Walton Lodge, No. 202, with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said Lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they may have, or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Corporate name and style.

Powers & privileges.

May hold real estate.

§ 2. That the management of the concerns of said corporation shall be and the same is hereby confided to the Master and Wardens, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said Lodge; and service of notice or process on any two of said trustees shall be sufficient notice to said corporation.

Trustees to whom the affairs entrusted.

§ 3. That said trustees, named in the second section, shall hold their office until their successors are duly elected: *Provided*, That said board of trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of the state, as may be necessary to the management and safe keeping of the property and other interests of the Lodge; and they may have and use a common seal, and change the same at pleasure; and in con-

Trustees, term of office, &c.

May make by-laws, &c.

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veying real estate it shall be necessary for the whole board of trustees to join in such conveyance.

§ 4. The Legislature reserves the right to repeal, alter, or amend this act at any time. This act to take effect from its passage.

Approved January 2, 1858.

CHAPTER 46.

AN ACT for the benefit of S. D. Winterbower, late Deputy Sheriff of Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That S. D. Winterbower, late Deputy Sheriff of Hardin County, be and he is hereby allowed the further time of two years to collect his own dues and fee bills, and other claims in his hands to collect, as Sheriff of Hardin county, which collections may be made by levy, distress, or otherwise: *Provided, however*, that nothing herein contained shall exempt him from liability for issuing or collecting any illegal fee bills, or for making any unlawful levy or distress in closing up his unfinished business. This act shall take effect from its passage.

Approved January 2, 1858.

CHAPTER 47.

AN ACT for the benefit of Mrs. Eleanor Aberdeen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all the right and interest which the Commonwealth of Kentucky has now, or might have, in and to the estate of John Aberdeen, deceased, by escheat for want of legal heirs, is hereby waived and released in favor of Eleanor Aberdeen, the widow of said John Aberdeen.

Approved January 2, 1858.

CHAPTER 48.

AN ACT repealing an act for the benefit of the Trustees of Prestonsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, an act for the benefit of the Trustees of the town of Prestonsburg, approved March 10, 1856, be and the same is hereby repealed: *Provided*, that this act shall only apply to the powers of said Trus-

tees to grant license to sell spirituous liquors; and hereafter the power to grant tavern license in said town shall be in the County Court of said county.

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Approved January 2, 1858.

CHAPTER 49.

AN ACT for the benefit of Nimrod Harris and George W. Tompkins, late Sheriffs of Mercer County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Nimrod Harris and George W. Tompkins, late Sheriffs of Mercer county, be and they are hereby allowed further time of two years, from and after the passage of this act, to collect all taxes and county levies from delinquents, and fee bills in their hands, and they are hereby authorized and empowered to destrain for and collect the same, any law to the contrary notwithstanding, subject to the same rules and regulations as Sheriffs are governed by.

Approved January 2, 1858.

CHAPTER 50.

AN ACT for the benefit of Wm. Mynhier, late Sheriff of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William Mynhier, late Sheriff of Morgan county, be allowed the further time of two years, from and after the passage of this act, to collect all arrearages of taxes, fee bills, and county levies for the years 1852 and 1853, which are in his hands uncollected; and that said Mynhier be allowed to place said taxes, fee bills, and county levies in the hands of any Sheriff, deputy Sheriff, or Constable, of Morgan county, for collection, at any time within the period aforesaid.

Approved January 2, 1858.

CHAPTER 51.

AN ACT to incorporate Telula Lodge, No. 70, of I. O. of O. F., in the town of Smithland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Gibson, R. A. Clopton, Randolph Noe, George H. Hagegand, Dr. B. Sanders, and F. M. Vincent, and their associates, members of Telula Lodge,

incorporators.

1858.	No. 70, Independent Order of Odd Fellows, of Smithland, be and are hereby created a body politic and corporate, by the name and style of "Telula Lodge, No. 70, Independent Order of Odd Fellows," with perpetual succession; and by that name shall be capable in law, of having and using a common seal, to sue and be sued, to plead and be impleaded, to answer and defend in all courts and elsewhere, as natural persons, and may ordain and put in execution such laws, rules, and regulations for its government, and management of its affairs, and may change and renew the same as they may deem proper: <i>Provided</i> , They are not contrary to the constitution and the laws of this state or of the United States.
Name and style, &c.	
May make by-laws, &c.	
May hold real and personal property.	§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not to exceed ten thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest or dispose of the proceeds; and to create a fund in the same manner for the benefit of the widows and orphans of members of this corporation that may decease, sufficient to yield an annual income not exceeding two thousand dollars, and change laws and rules for its management and distribution.
How effects disposed of.	§ 3: In the event of a dissolution of this corporation, its effects and property shall become the property of the Grand Lodge of Kentucky, Independent Order of Odd Fellows.
	§ 4. This act to be in force from its passage. Approved January 2, 1858.

CHAPTER 52.

AN ACT for the benefit of Waynesburg Lodge, No. 328, of Ancient York Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name and style.	§ 1. That the present members of Waynesburg Lodge, No. 328, of Ancient York Masons, and their successors, be and they are hereby created a body politic and corporate, by the name and style of "Waynesburg Lodge, No. 328," of Ancient York Masons, in the county of Lincoln; and by that name shall have perpetual succession, and be capable to receive and hold by gift, grant, purchase, or devise, any number of acres of land not exceeding ten, and any kind and quantity of personal estate, and to sell, exchange, and convey the same at pleasure; to sue and be sued, to plead and be impleaded, defend and be defended, in any court of law or equity in this State; and to have and use a common seal, and the same to renew or alter at pleasure.
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§ 2. That Bradley W. Anderson, A. K. Root, W. F. Camden, Harvey Floyd, James D. McKenzie, are hereby appointed Trustees for said Lodge, who shall hold their office until the 27th day of December, 1858, and until their successors be duly elected; and said Lodge may, on the 27th day of December, 1858, and on the same day and month in each year thereafter, elect seven of their own body as Trustees, whose term of office shall be one year, and until their successors are elected.

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Trustees.

§ 3. All the real or personal property now belonging to said Lodge shall as fully and completely vest in the Trustees of said Lodge as if the same had been acquired after the passage of this act.

Real and personal property.

§ 4. The Trustees shall keep a record of their proceedings, make rules and by-laws for their own government, and in case of the death or removal of any of the Trustees the Lodge may elect one or more, as the case may be, to fill such vacancy or vacancies created by such death or removal.

Trustees to keep records.

§ 5. The right to alter, amend, or repeal this act is hereby reserved by the General Assembly.

Approved January 2, 1858.

CHAPTER 53.

AN ACT to incorporate Bradford Lodge, No. 123, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Bradford Lodge, No. 123, of Free and Accepted Masons, of the town of Independence, in Kenton county, be and the same are hereby created a body politic and corporate, by the name and style of "Bradford Lodge, No. 123," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as they may have or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Corporate name and style.

Powers and privileges.

§ 2. That the management of the concerns of said corporation shall be and the same is hereby confided to the Master and Wardens, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said Lodge; and service of notice or process on any two of said trustees shall be sufficient notice to said corporation.

Trustees—their duties.

1858.

Term of office of
Trustees, &c.May make by-
laws, &c.

§ 3. That said trustees named in the second section of this act, shall hold their offices until their successors are duly elected: *Provided*, That said board of trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of the state, as may be necessary to the management and safe keeping of the property and other interests of the Lodge; and they may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole board of trustees to join in such conveyance.

§ 4. The Legislature reserves the right to repeal, alter, or amend this act at any time. This act to take effect from its passage.

Approved January 2, 1858.

CHAPTER 55.

AN ACT to incorporate the Odd Fellows Hall Association of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That Edgar A. Brown, John J. Hunter, John H. Morgan, John B. Wilgus, John T. Miller, John C. Cochran, Edmund H. Taylor, Jr., and the other stockholders of the joint stock company called the Odd Fellows Hall Association, shall be and are hereby incorporated and declared a body politic and corporate, by the name and style of the "Odd Fellows Hall Association;" and by that name and style shall have perpetual succession, and may contract and be contracted with, sue and be sued, and have all the powers and privileges of private local corporations, but shall have no power of loaning money at interest, dealing in exchange, or exercise any banking powers.

Name and style.

Business and
powers.

§ 2. The business, purpose, and object of said corporation shall be the erection, finishing, keeping in repair, and improving the Odd Fellows Hall in Lexington, and the renting out, using, occupying, and managing said Hall.

Capital stock,
&c.

§ 3. The capital stock of said company shall be thirty thousand dollars, divided into shares of twenty-five dollars each, of which the present stockholders shall have the amount of stock that each stockholder has, or shall hereafter pay for, and the remainder may be sold and disposed of as the President and Directors shall direct.

In whom prop-
erty shall vest,
&c.

§ 4. All the property and rights held by the said company shall vest in the corporation hereby created, subject to all the liens, incumbrances, and liabilities now existing upon said property and rights; and all liabilities now existing on said company shall devolve on said corpora-

tion, but nothing in this section shall operate to release the individual liability of the members of said company now existing.

§ 5. The management of the affairs, business, and property of the corporation shall be vested in a President and six Directors, who shall be elected on the first Saturday in July in each year, by the stockholders of the corporation, and shall hold their offices until their successors shall be elected. In all elections, and in meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock he may own. Until the first election the present President and Directors, to-wit: E. A. Brown, President, and John J. Hunter, John H. Morgan, John B. Wilgus, John T. Miller, John C. Cochran, and E. H. Taylor, Jr., Directors, shall be the President and Directors of the corporation.

§ 6. To enable said corporation to complete its building, and liquidate its indebtedness, the President and Directors are hereby authorized to borrow a sum of money not exceeding fifteen thousand dollars, and mortgage all the property held, or which shall be acquired by said corporation, for the security of the money loaned; and for that purpose may execute bonds, bearing interest not exceeding eight per cent. per annum, payable semi-annually, and the principal payable at such time, not exceeding twenty years, as the President and Directors shall determine, and execute a mortgage on the property of the corporation for securing the payment of said bonds, and sell said bonds to any person they may think proper.

§ 7. The stock in said company shall only be transferable on the books of the corporation, in such manner as the President and Directors shall determine.

§ 8. Meetings of the stockholders may be called and held at any time, when called by the President and Directors, by a notice published in one of the newspapers of the city of Lexington, two weeks before such meeting. But no meeting shall be competent to do business, except to elect the President and Directors, unless a majority of the stockholders in interest are present in person or by proxy. In such meetings a majority of votes shall determine all questions. Said meeting may exercise any of the powers hereby conferred on the corporation.

§ 9. This act may be repealed and amended at any time, and shall take effect from its passage.

Approved January 2, 1858.

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President and Directors; term of office, &c.

May borrow money and give a mortgage, &c.

Stock—how transferred.

Meetings of stockholders.

1858.

CHAPTER 56.

AN ACT for the benefit of E. P. Hill's administrators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Hugh Harkins and Abraham Wiseman, the administrators of Edward P. Hill, deceased, be and they are hereby allowed the further time of two years to list, with the proper officer, the fees and taxes remaining due the estate of said decedent; and that said fees and taxes shall be distrainable; and the officer or officers receiving said taxes and fees shall be subject to the liabilities now provided by law against officers in such cases, but such administrators shall be subject to all the penalties provided by law for issuing illegal fee bills.

§ 2. That before said administrators shall be entitled to the benefit of this act, they shall execute bond with good security, before the Clerk of the County Court of the county in which they reside, conditioned to pay all liabilities now imposed by law for issuing or collecting fee bills illegally, or collecting taxes illegally.

Approved January 2, 1858.

CHAPTER 58.

AN ACT for the benefit of Robert Bates, late Sheriff of Letcher county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Robert Bates, late Sheriff of Letcher county, have the further time of two years, from and after the passage of this act, to collect his uncollected fee bills, taxes, and assessments. That the law now in force shall apply to the issuing and collecting said fees.

Approved January 2, 1858.

CHAPTER 59.

AN ACT placing the control of the State Road in Whitley county in the County Court of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, the State Road in the limits of Whitley county, shall be placed under the control and management of the Whitley County Court, under the laws in force for the time being in relation to county roads.

Approved January 2, 1858.

CHAPTER 60.

1858.

AN ACT to authorize the Calloway County Court to change the State Road from Aurora to Murray.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Calloway County Court be and the same is hereby authorized to change that portion of the road leading from Aurora to Murray, which runs through the land of James Vancleve: *Provided*, That the said court, in making such change, shall be governed by the general laws now in force in relation to roads: *And, provided further*, That before such change shall be made, the proposed road shall be opened out and put in good repair. This act shall take effect from its passage.

Approved January 2, 1858.

CHAPTER 62.

AN ACT providing for the election of the Marshal of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in case of a vacancy in the office of Marshal of the City Court of Louisville, and less than one year of the term at the time of such vacancy occurring is unexpired, it shall be the duty of the Judge of said court to appoint some fit and proper person to fill the vacancy; and if there is more than a year of such term unexpired, at the time of the occurring of such vacancy, then it shall be the duty of said Judge to issue a writ of election, directed to the Sheriff of Jefferson county, who shall cause an election to be held to fill said vacancy, at the several places of voting in said city, appointed for holding elections for members of the House of Representatives, and all white male citizens of said city, qualified to vote for members of the General Assembly, shall be entitled to vote for the Marshal of the City Court aforesaid; and the Judge of said City Court shall appoint the Judges and Clerks to hold said election, and the Sheriff shall give notice for five days previous to the day of election, by publication in one of the daily papers of said city.

Vacancy in office of Marshal, how filled.

§ 2. The person appointed or elected to fill the vacancy shall, upon receiving a certificate of his election or appointment, execute bond in said City Court, in the penalty of \$5,000, with security to be approved by said court, conditioned for the faithful discharge of the duties of his office, and shall also take the same oath prescribed for Sheriffs by the constitution and laws of this Commonwealth.

Marshal to give bond.

§ 3. This act shall take effect and be in force from its passage.

Approved January 4, 1858.

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CHAPTER 63.

AN ACT for the benefit of Philip B. Thompson, of Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts, be and he is hereby required to draw his warrant on the Treasury in favor of Philip B. Thompson, of Mercer county, for the sum of one hundred and twenty-five dollars, as a compensation in full for services rendered by him as agent for the Commonwealth in the suit of the Commonwealth against Fletcher, in the Mercer county Circuit Court.

§ 2. This act shall take effect from and after its passage.

Approved January 4, 1858.

CHAPTER 64.

AN ACT to incorporate the Big Sandy Navigation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

Name and style.

Objects of corporation.

May make contracts, &c.

May have and use a seal.

§ 1. That William P. Mellen, Archibald Borders, Laban T. Moore, William T. Nicholls, William M. Snow, and Daniel A. Gliddon, their associates, survivors, successors, and assigns, be and they are hereby created and constituted a body corporate and politic, by the name and style of the "Big Sandy Navigation Company;" and by that name and style, with a capital of five hundred thousand dollars, to have perpetual continuance and succession, for the purpose of improving the navigation of the Big Sandy river, from the Mouth thereof to Peach Orchard, in Lawrence county, by locks and dams, or otherwise, and using the same, and doing all things connected therewith, as hereinafter provided. But in case the State of Kentucky shall undertake the slackwater improvement of said river, as a State work, at any time before the said company shall in good faith commence work thereon under this act, then the franchises herein granted shall cease and be absolutely at an end.

§ 2. That the said company shall have the right, and are hereby authorized and empowered to make and construct as many locks and dams, of such height, and in such places upon the said river, as they may think best for the purpose of making a substantial and permanent navigation thereof, between the mouth of said river and Peach Orchard aforesaid, and raising the water thereby, so that there may be at all times a clear navigation of five feet at the heads of the pools created thereby.

§ 3. That the said company may have and use a common seal; and by the name and style aforesaid, is hereby created and made capable, in law, to contract and be

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contracted with, to sue and be sued, plead and be impleaded, to acquire and hold by purchase, lease, or otherwise, all such rights, lands, and other property, of every name and description, as the President and Directors thereof may think necessary and best for properly constructing and supporting the said navigation, and for increasing and rendering profitable the business thereof, and the same, or any part thereof, use, occupy, let, lease, mortgage, sell, or otherwise dispose of as they may think best for the advantage and interests of the said company; and they shall have, and are hereby endowed with all the other powers incident to corporations, at common law. And in case the said company, in the construction of the said locks and dams, shall choose to avail themselves of any water power thus created, they are hereby authorized and empowered so to do, and the same to hold, use, let, lease, sell, or otherwise dispose of in their discretion.

§ 4. That if the said company shall desire lands and materials in the construction of the said locks and dams wherever they may locate the same, upon which lands, and with which materials, to construct the said locks and dams, together with sufficient lands adjacent thereto, for lock tender's houses, or other purposes connected with the said navigation improvement, or the use and business thereof, not exceeding five acres in any one place—and, provided the same shall not include the homestead of the person or persons owning said lands—and cannot agree with the person or persons owning the same, upon terms for the conveyance thereof to the said company, then the said company may have the same condemned for their use in manner following, to-wit: The said company shall make out a particular description thereof in writing, and file it in the office of the Clerk of the county in which the said lands and materials are situated, stating therein the sum they propose paying therefor; and shall also file therewith a bond with sureties, to the satisfaction of the judge of the county, conditioned to pay all damages that may be recovered against them as hereinafter provided; and thereupon they may enter into possession of the said lands and materials, and proceed at once to use and appropriate the same in the construction, and for the purposes aforesaid; and the party owning the said land or materials, may file his written complaint therefor in the Circuit Court of the said county, in which he shall state the sum he proposes receiving therefor; whereupon the said court shall issue a writ, commanding the Sheriff of the county to summon five freeholders of his county, to act as viewers, to inquire into the matters complained of; and no person interested in the said company, or related to the party complaining, or having a similar claim, shall be competent to act as viewer under the said writ, which

How they may
condemn lands
and materials.

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shall be returnable to the next term of the court after it is issued. The Sheriff shall execute the said writ as soon as he can consistently do it, and shall summon the said viewers to meet with him at such time and place as he may designate in the said summons, and give at least ten days notice in writing to the said complainant and the said company to meet at the said time and place; and upon the meeting of the said viewers, the said Sheriff shall administer an oath to each and every of them, that they will fairly, impartially, and honestly inquire and determine in the premises, and in so doing they shall take into account the advantages resulting from the said navigation improvement to the remaining lands and property of the complainant, and deduct the value thereof from the value of the lands and materials so appropriated at the present time, and make up their report in writing, duly signed and sworn to by them before the said Sheriff, stating therein what amount of damages, if any, shall be paid by the said company; which report shall be certified by the Sheriff and returned and filed by him, with the writ aforesaid; and thereupon the Judge of the said Circuit Court shall render judgment in pursuance of the said report, but may set the same aside for fraud at the term of the court next after the rendition thereof, but not afterwards. After the judgment becomes final, the company shall hold the land and materials so condemned, for their use by a good and indefeasible title, subject only to the payment of the judgment aforesaid. All costs and fees shall be the same as in other cases of inquest in the Circuit Court, and in case the sum proposed to be paid by the company is nearer the amount of damages assessed by the viewers than the sum proposed to be received by the complainant as aforesaid, then the said costs, fees, and expenses, shall be paid by the complainant, otherwise by the company, and judgment to be entered accordingly.

Damages, &c.,
how assessed,
for overflow.

§ 5. That if the said company in erecting the said locks and dams, shall back the water of the river so as to overflow any lands, and the damages therefor cannot be amicably adjusted, then the company shall make out a written description of the lands so to be overflowed, and the sum they propose paying as damages therefor, and file the same with the Clerk of the county where the lands are situated, together with a bond like that named in section four above, and thereupon they may go on with their construction, and the aggrieved party may file his complaint in the Circuit Court, sue out a writ and proceed therein in all respects the same as section four herein, and judgment and costs shall follow, and damages be assessed under the same rule as therein provided.

§ 6. That in case the said company, their successors, or assigns, shall fail to commence making the said slack-

water improvement for five years from the passage of this act, or to complete it within thirteen years, then the rights and franchises hereby granted shall cease, except so far as the said work shall have been completed. If in the construction of any lock and dam the company shall obstruct the navigation of the river for an unreasonable length of time, they shall be liable to all persons suffering damage therefrom, and in case any lock and dam shall break away, so as to obstruct the descending navigation of the river, the said company shall remove the obstruction, or repair or re-construct the lock and dam at their own cost, within a reasonable time. And in case any other company shall extend the slackwater improvement above Peach Orchard, the said company shall allow them to construct any lock and dam upon any lands which they may own without any charge for damages therefor.

§ 7. The said company are hereby authorized and empowered to make any subscription they may deem expedient, to the capital stock of any Railroad company, Slackwater Navigation company, or other company, the object of which shall be to improve the valley of the Big Sandy river, and develop the resources thereof, or otherwise cultivate the same, or tend to increase the business of the said river, or the navigation thereof.

§ 8. That the stockholders of said company shall hold a general meeting annually, for the election of officers and the transaction of such other business as may be brought before it, at such time, and place, upon such notice, and conducted under such rules and regulations as may be specified by the by-laws of the said company, which said officers so elected, shall hold their offices one year, and until their successors are elected and assume the duties of their office; and in case of a failure to elect officers on any appointed day, the corporation shall not, for that cause, be dissolved or prejudiced, but it shall be lawful for the stockholders to make an election of officers on any other day, and in such manner as shall be specified in the by-laws of said company; and in case of the death, resignation or permanent absence of any one or more of the said officers, a majority of the remaining members of the board shall, by vote, fill such vacancy or vacancies, by the election of some other stockholder or stockholders.

§ 9. That the real and personal estate and property, funds, business affairs, and prudential concerns of the said company shall be under the management, direction, and control of seven directors, one of whom shall by them be elected President, and four of whom shall constitute a quorum for business; and in all things the actings and doings of a majority of the board, with a quorum present,

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Time within which the work shall be commenced and finished.

May take stock in railroads, &c.

General meeting of stockholders, &c.

By-laws, &c.

Directors, how chosen, &c.

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Special meet-
ings of stock-
holders.

of any regular or special meeting thereof under the by-laws of the said company, shall be valid and considered as the act of the company.

§ 10. That special meetings of the stockholders may be called by the Board of Directors at any time they think the interests of the company require it, in such manner as may be provided for by the by-laws of the company, and at all meetings of stockholders, whether general or special, each share of stock shall entitle its holder to one vote, and any stockholder not personally present may vote by proxy, such proxy presenting his authority in writing at the time of offering his vote: *Provided*, that no share of stock shall entitle its holder to a vote unless it shall stand to his credit on the books of the company unincumbered by any dues to the company. And at all meetings of the stockholders of the company, if a majority of the capital stock issued by them shall be represented and voted, a majority of that so voted shall render the actings and doings of such meeting valid and binding upon all the stockholders of the company.

Capital stock.

§ 11. That the capital stock of the said company shall consist of, and is hereby made, five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each, and the incorporators named in the first section of this act, or any of them, may, at any time after the passage of this act, proceed to take subscriptions for the said capital stock, in such manner, upon such terms, and at such place or places as any three of the said incorporators may agree upon; and when five hundred shares thereof shall have been subscribed, then the said incorporators, or any three of them, shall, by writing, notify each and every of the subscribers of the amount subscribed, and that a meeting will be held at such time and place as may be agreed upon, to be designated in said notice, at which meeting said incorporators, or such of them as may be present, shall act as Judges of such election, and thereupon the said meeting shall proceed to elect seven directors, who shall meet as soon after their election as they can conveniently, and elect one of their number President, and the said President and Directors shall hold their offices one year, and until their successors are elected and assume the duties of their offices.

Powers of Pres-
ident and Direc-
tors, &c.

§ 12. That the President and Directors shall have power to elect and appoint all such engineers, lock-keepers, agents, officers, and servants of every description, as they may think proper, fix their compensation, prescribe their duties and powers, and remove them at pleasure; and all instruments in writing to be made by the said company, required by law to be under seal, shall be valid and sufficient, when executed by the President of the said company, with the seal thereof affixed thereto, or

when executed by any other person duly authorized by the said company so to do.

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§ 13. That it shall be lawful for the President and Directors, at any time when they think the interests of the company require it, to borrow such sum or sums of money, for such time or times, upon such terms, and at such rate or rates of interest, as they may agree upon, and to secure the payment thereof by pledge or mortgage of their franchises, and of all or any part of their property, real and personal, or of whatsoever nature, and to issue bonds therefor, with or without coupons attached, and convertible in whole or in part into the capital stock of the said company; and the capital stock of the said company may, from time to time, be increased beyond the amount above named, when it shall become necessary to cover the conversion of said bonds, if required by the holder or holders thereof.

May borrow money, &c.

§ 14. That the President and Directors may, from time to time, make such dividends of the income of the said company as they may think proper, and they may also create a contingent fund sufficient to repair any damages to the said locks and dams, or to re-build the same, and the same loan out in such sum or sums, from time to time, in such manner, and at such rate or rates of interest, as they may think proper, not exceeding the rate authorized by law; or they may invest the same in such other manner as they think for the best interests of the said company. But nothing herein contained shall be so construed as to give the said company any banking powers, other than those possessed by individuals.

May declare dividends.

§ 15. That the terms of payment upon stock subscription previous to the organization of said company, shall be fixed by the said incorporators, or any three of them, and after the organization, by the President and Directors; and if any stock subscriber shall, at any time, be delinquent upon his subscription, the President and Directors, by ten days previous notice in writing to him, may proceed to sell the said stock so in arrears, at public auction, to the highest bidder, who, upon presentation of his certificate of the sale thereof, shall be entitled to a transfer of the share or shares so sold to him, upon the books of said company, and the proceeds of such sale shall be applied to the payment of the balance due for the share or shares so sold, and if there shall be a surplus after such payment, the same shall be paid over to such delinquent, but if a balance still remains due thereon, then the said company may sue for and recover the same; and all debts due to the said company from a stockholder shall be a lien in favor of the said company upon the stock owned by him therein.

Terms of payment for stock, &c.

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May make rules
etc.

§ 16. That the President and Directors of the said company may make all such rules and by-laws for the action, conduct, and government of the said company as they may think best and most expedient for properly executing the rights and powers herein granted, and the same alter, amend, or annul, from time to time, as they may think for the best interests of the said company.

When company
may collect tolls
etc.

§ 17. That as soon as the said slackwater improvement shall be completed and ready for use from the mouth of Big Sandy river to Peach Orchard, the said company are hereby authorized and empowered to charge, collect, and receive as toll, for passing each of the said locks and dams, the sums following to-wit: Upon all articles and things which when transported by steamboats are classed as pound freight, two cents per hundred pounds; cabin passengers over twelve years of age, ten cents each; children, servants, and deckers, half price; horses, mules, jacks and jennets, ten cents each; hogs and sheep, two cents each; cattle, cows and other beasts of that class, ten cents each, and same animals under two years old half price; beef, pork, lard, and tallow, per barrel of 400 pounds and under, two cents each; and same articles in half barrels or kegs, one cent each; all spirituous liquors, per keg or barrel of forty gallons or less, when ascending, thirty cents each, and when descending, five cents each; flour, when ascending, four cents per barrel, and when descending, two cents; salt fish, molasses, and oils, six cents per barrel; corn, wheat, oats, rye, barley, beans, corn meal, apples, peaches, or other fruit, one cent per barrel, sack, or other package of three bushels or under; all manufactured lumber, per thousand feet of board measure, and shingles per thousand, when freighted on steamboat, one cent; all household furniture, farming utensils, chickens, turkeys, geese, or any other light lot not named above on account of difficulty in ascertaining their weight, one tenth of the amount charged by the boat for freight shall be charged by the said company for tolls thereon.

Rates of toll,
etc.

All steamboats and tugs passing the said locks and dams, shall pay one dollar at each lock, together with the aforesaid rates of toll on all freights, passengers and things she may transport; and in case of towing she shall pay the rates fixed by this act for whatever she may have in tow.

All small craft not used in freighting, nor attached to a boat or raft, shall pay, twenty-five cents at each lock and dam passed; each freight or keel boat, or other flat boat, open and empty, and not over sixty feet long, shall pay fifty cents at each lock and dam passed, and if over sixty feet long, seventy-five cents; and each freight, keel or flat boat loaded with articles above enumerated, shall

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pay, in addition, the rates of toll upon the said loading fixed above; and for any other articles it may transport, such uniform rates as may be established by the Legislature of this Commonwealth hereafter.

Each flat boat loaded with lumber, wood, staves, bark, or hoop-poles, shall pay four cents per foot in length of said boat at each lock and dam passed.

Each raft of logs or lumber twenty-one feet wide or under, shall pay two cents per foot in length of said raft, at each lock and dam passed, and when over twenty-one feet wide, four cents per foot in length of said raft.

Flat boats or other water craft except steamboats and such as are above named, when empty, shall pay two cents per foot in length at each lock and dam passed.

All boats loaded in whole or in part with coal or coke, shall pay one fourth of one cent per bushel on the same at each lock and dam passed; and all boats loaded in whole or in part with salt shall pay half a cent per bushel on the same at each lock and dam passed; and all boats loaded in whole or in part with iron in pigs or blooms, shall pay one fourth of one cent per hundred pounds on the same at each lock and dam passed.

The rates of toll upon all articles and things above mentioned, which shall come down the river from any point above the influence of the said slackwater improvement, shall only be liable to pay one-half the rates of toll above fixed, except rafts of timber, which shall be subject to but one-fourth of the above rates of toll, until slackwater navigation shall be extended up the river above Peach Orchard; and whenever that shall be done, then the rates of toll to be charged by the said company upon all articles and things within the influence of said extended navigation, shall be the same as above named and specified.

§ 18. That each and every owner, pilot, master, or clerk of every steamboat, flatboat, raft, or other craft navigating the said river, shall make out a manifest of her respective passengers and freight, length and contents of flatboat, and length and width of raft, and make oath to the truth thereof before the lock-keeper, (who is hereby authorized and empowered to administer the same,) and exhibit it to the lock-keeper of the first lock and dam to be passed, and shall pay to him the full amount of tolls thereon for each and every lock and dam to be passed on the trip, before the said lock-keeper shall admit them into the said lock; and in case of taking in any additional freight or passengers before reaching the next lock and dam to be passed, said owner, pilot, master, or clerk, shall report the same to the lock-keeper of such lock, and pay therefor the same as in this section above named, and so on to the end of the voyage. And if any owner, pilot, master, or clerk, as afore-

Owners of boats,
&c., to make out
manifests.

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said, shall swear falsely touching any matter set out in the said manifest, with intent to defraud the said company of any portion of the tolls herein authorized to be charged, he or they so offending shall be deemed guilty of wilful and corrupt perjury, and shall, on conviction thereof, be subject to all the pains and penalties provided by law against that offense.

Duties of lock-keepers, &c.

§ 19. That each lock-keeper shall pass each and every boat, raft, or other craft which shall have paid the tolls as aforesaid, promptly and in regular order of application, provided those applying present their craft ready to be passed in turn as applied for, and also provided that in case of a scarcity of water for supplying the said navigation, the lock-keeper may wait for a sufficient number of craft to fill the chamber of the lock so to be passed; and no person, under penalty of fifty dollars for each offense, which the said company is hereby empowered to sue for, recover, and collect, shall place, or cause to be placed, any boats, rafts, or other craft in any pool upon the said slack-water improvement, so as to interfere with the free navigation thereof, which penalty, together with all other penalties and claims of the said company for a violation of any of the provisions of this act, shall be chargeable upon the boat, raft, or other craft owned, or commanded, or controlled by the party so offending; and when any suit shall be commenced by the said company for the recovery thereof, the officer issuing the process by which the same is commenced, shall, in said process, cause such boat, raft or other craft to be attached and detained until such suit shall be determined.

Penalty for cutting trees, &c., into river, &c.

§ 20. That after the commencement of work in constructing the said locks and dams, no person shall cut any tree upon the bank of said river so that it or any part of it shall fall or be carried into the said river, or do any other act injurious to the said navigation; and any and every person who shall do so, shall be subject to an action by the said company, and by any other person or persons sustaining injury therefrom, for all damages that may result therefrom, either to the said navigation improvement or to any craft navigating the same; and in addition thereto, they shall be subject to indictment therefor, as for a misdemeanor, by the grand jury of the county wherein such act shall be committed, and if convicted thereof, upon trial under the said indictment, shall be fined not less than ten nor more than one hundred dollars, to go to the said county, or imprisonment in the county jail not less than ten days nor more than six months, or both fine and imprisonment as aforesaid in the discretion of the jury before whom he shall be tried and convicted.

§ 21. That the said navigation improvement, and all property of the said company so making the same, shall

forever be free from taxation, except the contingent fund above provided for, which fund shall be liable to taxation, the same as other property in this Commonwealth; and no lock-keeper or other person whose services are necessary in attending to the said navigation, shall be subject to serve on juries in their respective counties.

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Property exempt from taxation.

§ 22. That this act shall take effect immediately after its passage, and the right is reserved to the Legislature at any time to amend or repeal the same for a violation of any of the rights and powers herein granted, provided that in so doing they shall not prejudice rights which may become vested under this act, or rights of any creditor of said company.

When Legislature may repeal this act.

Approved January 5, 1858.

CHAPTER 65.

AN ACT to amend the charter of the Franklin Insurance Company of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the stockholders, in person or by proxy, representing a majority of stock in the "Franklin Insurance Company of Louisville," may at any time make, alter, or amend the by-laws of said company; and may, by the by-laws, increase or reduce the number of directors from time to time, and change the time of the annual election of the President and Directors, and the time of their going out of office, and change the time for making semi-annual statements to the stockholders, and the time for declaring dividends; and also, may, by the by-laws, declare a portion of the profits to certain policy holders or customers of said company, by way of return premium.

Approved January 14, 1858.

CHAPTER 67.

AN ACT for the benefit of Thomas P. Smith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court for Bourbon County, a majority of its Justices being present, may, when making the County levy, allow to Thomas P. Smith, late Clerk of said County Court, out of said levy, a fair and reasonable compensation, within their discretion, for services performed by him in making out extensive and valuable indexes for the books of the office of said court.

Approved January 14, 1858.

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CHAPTER 68.

AN ACT to incorporate the German Gymnastic Association of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

Corporate name,
powers, objects,
&c.

§ 1. That John B. Heltemes, John B. Winter, Daniel Deprey, Joseph Beierle, George H. Veogelin, Louis Geisbaner, Jacob Grennold, and their associates, of the city of Covington, Kentucky, and their successors, are hereby created a body politic and corporate, by the name and style of the "German Gymnastic Association, of Covington, Kentucky;" and by that name are hereby vested with full power and authority to acquire, hold, use, and enjoy, real and personal estate to the amount of thirty-five thousand dollars, and to sell and convey, or otherwise dispose of the same, under such by-laws, rules, and regulations as may be by them adopted: *Provided*, That such by-laws, rules, and regulations, be not contrary to the constitution or laws of this State, or of the United States; and said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and to have and use a common seal, and the same alter at their pleasure. That the powers hereby granted shall not be used in doing any thing not expressly granted by the provisions of this act.

§ 2. That the right of any future Legislature to alter amend or repeal this act is hereby reserved.

Approved January 14, 1858.

CHAPTER 72.

AN ACT for benefit the of Thomas Patterson, of Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Legitimatised.

§ 1. That John Patterson, an illegitimate son of Thomas Patterson, of Madison County, by Frances Barnes, born on the 1st day of September, 1844, be and the said John Patterson is hereby made the legal heir and representative of said Thomas, and made capable, in law, to inherit his estate the same as if the said John Patterson was the legitimate son of the said Thomas Patterson, born unto him in lawful wedlock.

§ 2. This act to take effect from and after its passage.

Approved January 14, 1858.

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AN ACT to incorporate the Virginia and Kentucky Bridge Company.

Whereas, an act was passed by the General Assembly of the Commonwealth of Virginia, at its last session, incorporating the Virginia and Kentucky Bridge Company, authorizing said company to erect a wire suspension toll bridge across the Sandy river, at some point between its mouth and the upper end of Hampton city, on said river, to be in force so soon as the State of Kentucky should declare its assent to the erection of the said bridge, by an act of the Kentucky Legislature, corresponding in its provisions with the provisions of the act aforesaid, of the General Assembly of Virginia. Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful to open books of subscription in the town of Cattleburg, in the county of Greenup, under the superintendence of William V. Whaley, Thomas L. Jorden, Wiley Hatton, William Hampton, Dr. J. D. Kincaid, John Culver, and Samuel Willman; and at such other place or places, and under the direction of such agents as a majority of the above named commissioners may appoint, on such day as the said commissioners may select—two weeks notice whereof shall be given in one or more newspapers published near the place of subscription—for raising a capital stock, not to exceed fifty thousand dollars in shares of fifty dollars each, for the purpose of erecting a wire suspension toll bridge across the Sandy river, at some point between its mouth and the upper end of Hampton city on said river.

Books to be opened.

Commissioners, their duties.

§ 2. Whenever two hundred shares shall be subscribed for, a majority of the said commissioners shall call a meeting of the subscribers, notice of the time and place of such meeting being given as aforesaid.

Meeting to be called.

§ 3. The subscribers aforesaid, their successors or assigns, shall be and are hereby created a body politic and corporate, for the purpose aforesaid, by the name and style of "The Virginia and Kentucky Bridge Company," and by that name shall have perpetual succession, and all the privileges, incidents, and franchises of a corporation, and shall be capable of purchasing, taking, and holding, to them and their successors and assigns in fee, or for any less estate, such lands, tenements, hereditaments, estate, real and personal, as shall be necessary to them in the prosecution of their business as a bridge company, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, and doing all other matters which a body politic and corporate may lawfully do.

Corporatename, style, powers, &c.

§ 4. The stockholders of said company, or a majority of them, at their first and every subsequent election, to

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Directors, when
and how elected

be held annually on the first Monday in any month, shall select and elect seven Directors, who shall, within ten days after such election, choose one of their own body as President. The said President and Directors shall remain in office one year, or until their successors be appointed.

Meetings of
President and
Directors.

§ 5. The President and Directors shall meet at such times and places, and be convened in such manner, as may be agreed on, for transacting their business; and at such meetings five of their number shall be a quorum, who, in the absence of the President, shall choose a chairman, and keep minutes of all their transactions, fairly entered in a book; and a quorum being met, shall have power to appoint officers and regulate their salaries, to transact all other business and concerns of the said company, and to make all by-laws and regulations for the good government of said company, not repugnant to the constitution and laws of this State or of the United States, subject, however, to the alteration or repeal of the stockholders at any subsequent meeting.

Vote by proxy.

§ 6. Stockholders shall be entitled to vote either in person or by proxy, as follows: on each share not exceeding ten, one vote; on every five shares above ten, and not exceeding fifty, one vote; and on every additional ten shares above fifty, one vote.

How special
meetings may
be called.

§ 7. Any number of stockholders, not less than five, representing one hundred shares, shall have power at all times to call a special meeting of the company, notice of the time and place being given for two weeks in some newspaper published in Greenup county, in the State of Kentucky, or in the "Ceredo Crescent," a newspaper published in Wayne county, Virginia, or in both, as they may deem proper. If, from any cause, there should be a failure of either an annual or special meeting, the President and Directors, or a majority of those present, may adjourn to a subsequent day, giving notice thereof as aforesaid.

Powers of President and Directors.

§ 8. The President and Directors, or a majority of them, shall have power to contract with the proprietor or proprietors of any lands, tenements, or hereditaments, for the purchase of such as may be required for the purpose of erecting and perfecting the said bridge, with its necessary works and structures, or which may be injured, affected, or destroyed in consequence of the erecting thereof, or for the purpose of taking stone, sand or other materials for the same; and if they cannot agree, then the said President and Directors, or the said proprietor or proprietors, may apply to the County Court of Greenup county for a writ of *ad quod damnum*, to be directed to the Sheriff of said county, who shall summon a jury of twelve disinterested free holders of said county, to

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meet on the premises on a particular day, to be named in the said writ, who being first sworn by the Sheriff or his deputy, shall well and truly inquire into and ascertain the damages that will be sustained by the proprietor or proprietors of such lands, tenements, or hereditaments as may be required for the purpose of erecting and perfecting the said bridge, with its necessary works and structures, or which may be injured, affected, or destroyed in consequence of the erection thereof, or for the purpose of taking stone, sand or other materials for the same, as the case may be; and as soon as the said President and Directors shall pay, or satisfactorily secure the amount of such contract or damages, (as the case may be,) which may be agreed on or assessed, as aforesaid, in the several cases aforesaid, the title to the said lands, tenements and hereditaments required for the purpose of erecting and perfecting said bridge, with its necessary works and structures, or which may be injured, affected or destroyed in consequence of the erection thereof, shall be vested in said company, or the said company, and the persons employed by them, may proceed to take away any sand, stone or other materials for the said bridge, works and structures, as the case may be: *Provided*, That said company shall not acquire more than fifteen acres of land.

§ 9. Each person shall, upon subscribing, pay to the Commissioners two dollars upon each share so subscribed for, and the balance shall be called for by the President and Directors, from time to time, as circumstances may require. So soon as the company is organized, the Commissioners shall pay over to the President and Directors whatever sums may be in their hands belonging to said company, after defraying incidental expenses.

Subscribers,
payments, &c.

§ 10. The said President and Directors shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the President, countersigned by the Treasurer, attested by the Clerk, and sealed with the seal of the corporation; and each subscriber shall be entitled to one such certificate for each share by him subscribed for, or at his option, to one certificate for the whole or any less number of shares subscribed by him, on paying to the Treasurer (if not already done,) the instalments called for thereon, which certificates shall be transferable by the owner in person, or by his attorney, duly authorized, in the presence of the President or Treasurer for the time being, in a book of the company to be kept for that purpose, or by last will and testament, subject, however, to the payments due, or that may become due thereon; and the person to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be en-

Certificates of
stock to be is-
sued.

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titled to the same rights and privileges and immunities in said company as if he were an original stockholder.

Forfeiture of
stock.

§ 11. Any stockholder who shall fail to make payment when required by the President and Directors, shall subject his or her stock to be sold at public auction for ready money, notice of the time and place of sale being published as aforesaid. If the money produced by such sale shall be insufficient to discharge said call and the expense of sale, such delinquent stockholder shall be still bound to said company for the deficit, and shall not, by virtue of said sale, be discharged from the payment of the amount of the original subscription as called for: *Provided*, That when the whole stock shall be sold, the amount called for thereafter shall be recovered from said delinquent stockholder by motion in any court of record, ten day's notice having been given.

Bridge shall
not obstruct the
navigation.

§ 12. The said bridge shall be so constructed as not to interfere with or obstruct the ordinary navigation of said river at ordinary stages of said river, under the penalty of one hundred dollars, one half to the informer, and the other half to the Commonwealth, for the benefit of the Literary Fund.

When company
may collect toll.
Rates of toll.

§ 13. So soon as the said bridge shall be completed, it shall be lawful for the said company to demand and receive not less than the following tolls and rates for passing the same, that is to say: For a horse, mule, or work ox, six cents; for all riding carriages, wagons, and carts, three cents for each wheel; for every head of neat cattle, five cents each; for every hog, sheep, goat, calf, or lamb, three cents; and for every foot passenger, six cents.

President and
Directors to
keep accounts,
&c.

Dividends to be
made.

§ 14. The President and Directors shall keep a just account of all moneys received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income of the profits thereof among the stockholders, in proportion to their respective shares, first deducting all necessary expenses, costs, and charges, and such proportion of the said income as may be sufficient to keep the said bridge in repair; and shall, on every first Monday of January, and first Monday of July, of every year, publish the dividend to be made, of the clear profits arising from the tolls, among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

Penalty for
charging illegal
tolls.

§ 15. If the collector of tolls at said bridge shall demand and receive from any person greater rates for passage of any thing than are hereby allowed, he shall, for every such offense, forfeit and pay the tolls demanded and received, to the party aggrieved, and five dollars, recoverable with costs, before any Justice of the Peace within the county of Greenup, or before the Police Judge of the town of Catlettsburg: *Provided*, That no suit shall

be brought in this respect, unless within thirty days after the offense is committed.

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§ 16. The Legislature hereby reserves the right to alter, amend, or repeal this act.

Approved January 14, 1858.

CHAPTER 75.

AN ACT to amend the act incorporating the Hustonville, Liberty, and Columbia turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Commissioners appointed under the act to incorporate said Hustonville, Liberty, and Columbia turnpike road company, be and they are hereby authorized, (or such of them as may act,) to open books for subscription of stock to said road, at any time within five years from the passage of this act, under the same regulations as contained in the original act.

Approved January 14, 1858.

CHAPTER 76.

AN ACT to amend an act incorporating the Hustonville and Coffey's Mill turnpike road company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Commissioners appointed under the act incorporating said road company (or such of them as may act,) be and they are hereby authorized to open books for subscription of stock to said Hustonville and Coffey's Mill turnpike road, any time within five years from the passage of this act, under the same regulations as contained in the original act.

Approved January 14, 1858.

CHAPTER 77.

AN ACT to incorporate the Lincoln's Run and Mays Creek Turnpike Road Company, in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be and the same is hereby formed for the purpose of making a turnpike road from the Springfield and Bloomfield turnpike to intersect the Springfield, Maxville, and Willisburg turnpike road at such places or points as the President and Directors hereafter appointed may select or deem best, to be styled the Lincons run and Mays creek turkpike road company.

Corporate powers.

1858.

§ 2. That the capital stock of said company shall not exceed twenty thousand dollars, divided into shares of fifty dollars each.

Books—when
and where open-
ed for subscrip-
tions.

Obligation.

§ 3. That books for the subscription of stock of said company shall be opened at Beechland, (and such other places as the Commissioners herein after named may appoint,) on the first Monday in February, 1858, (unless the Commissioners hereafter mentioned shall fix some other day,) under the direction of the Commissioners herein after named, viz: Samuel Redding, Uriah Litsey, sen., John Litsey, Murry Walker, Thomas Reed, and Brown-ing Mitchell. The Commissioners herein named, or any two of them, shall procure one or more books, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors, and company of the Lincolns run and Mays creek turnpike road company, the sum of fifty dollars for each share set opposite to our names, in such manner and portion, and at such times, as shall be determined on by the President and Directors of said company, and agree-ably to an act of Assembly of the Commonwealth of Ken-tucky incorporating said company. Witness our hands day of , in the year ." The said Com-missioners shall give notice, by public advertisement at Beechland, of the time and place at which books will be opened to receive subscriptions for stock in said compa-ny, at which time and place some one or more of the Commissioners before named shall attend at said place, and permit all persons of lawful age, bodies corporate, or politic, who offer to subscribe in said books in their own names, or that of any other person who shall duly author-ize the same, for any number of shares in said stock; the said books shall be kept open for the purpose aforesaid, until the whole number of shares shall be subscribed.

Officers, when
to be elected.

§ 4. That when any portion of said stock shall have been taken, the Commissioners, or a majority of them, may proceed to elect a President, and to organize the said company, and elect such other officers as they may think necessary to conduct the business of said company; that when the company shall be thus organized, they shall be and are hereby declared a body politic and cor-porate, in deed and in law, by the name and style of the President, Directors, and Company of the Lincolns run and Mays creek turnpike road; and by that name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to and mentioned in the charter of the Springfield, Maxville, and Willisburg turnpike road company and the amendments thereto.

Width of road.

§ 5. That the width of said road shall be not less than thirty nor more than forty feet, and the graded part not less than twenty nor more than twenty-five, besides the

ditches, and regulated by the law governing the Springfield, Maxville, and Willisburg turnpike company, in all things where the same can be done, not against the provisions of this charter.

1858.

§ 6. That an election shall be held for a President and five Directors on the first Monday in February, 1859, and every year thereafter, who shall hold the office until their successors are elected and qualified; and the President and Directors elected by the Commissioners, as provided for in the 4th section, shall hold their offices until the said first day of February, 1859, or until an election is held and their successors duly qualified. Each share holder shall be entitled to vote for said officers after the company is organized; and public notice of the time and place of voting shall be given by the President at least ten days before the election, by advertisement at two of the most public places near said road.

President and Directors, when and where elected.

Term of office.

§ 7. That when the company has finished said turnpike road from the places designated in the first section of this act, the company may erect a toll gate thereon, and charge full toll: *Provided*, there is four miles of said road, from place to place, and if not, then they are to charge toll in proportion: *Provided further*, if deemed expedient by the President and Managers to aid in the completion of said road, that they may erect a gate and collect toll in proportion to the distance finished, after two and a half miles of said road is completed consecutively, &c.

Gate to be erected and toll charged.

Approved January 14, 1858.

CHAPTER 78.

AN ACT to incorporate the Buck Creek Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. Q. Jasper, Thomas Hail, P. Davis, Samuel Newell, and Cyrenius Wait, with their associates, be and they are hereby made a body politic and corporate, by the name and style of the Buck Creek Bridge Company, for the purpose of building a Bridge across Buck creek, near the old Iron Works, in Pulaski county; and they and their associates and successors shall continue and have perpetual succession, and by that name and style, are made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law and equity in this Commonwealth, and have and possess all power necessary to carry into effect the objects of this act.

Corporate name and style.

Powers, &c.

§ 2. The capital stock shall be three thousand dollars, divided into shares of twenty-five dollars each. The

Capital stock.

1858.

Meeting to be called.

capital stock may be increased by the President and Directors to such an amount as may be necessary to construct said bridge, which stock may be subscribed for at such time and place as said Commissioners may think proper. They are authorized to open books for the subscription of stock as they may deem proper, until the whole of the stock shall be subscribed. That so soon as the sum of one thousand dollars is subscribed, they shall give public notice in one of the newspapers printed in Somerset, at least two weeks, calling a meeting of the stockholders, at such time and place as may be convenient for to hold an election of a President and four Directors, to serve for one year, and until their successors may be elected; and after the first election, all the powers and privileges hereby granted, shall vest in a President and Directors of said company, and their successors in office.

President and Directors.

§ 3. That the President and Directors shall have power to make calls on the stockholders as may be necessary to carry on the work, and construct the same; they may let out to undertakers or contractors, the building and constructing of said bridge, and to do all matters and things pertaining to the carrying out the objects of this act.

May appoint a toll collector.

§ 4. That upon the completion of said bridge, the President and Directors may appoint a toll collector, at such price as may be agreed upon, to demand and receive from all persons passing over said bridge, such rates of toll as the President and Directors may think proper: *Provided*, Said rates of toll shall be agreed upon by the County Court of Pulaski county.

Bridge shall not obstruct the navigation.

§ 5. That said company shall so construct said bridge so as not to obstruct the downward navigation of said stream.

Settlements.

§ 6. The President and Directors shall settle quarterly with the toll collector, and cause a dividend to be made half yearly among the stockholders.

May make by-laws, &c.

§ 7. The President and Directors shall have power to make by-laws to regulate the crossing of said bridge, and for the care and preservation of the same, and to fine persons violating said by-laws, which shall be collected by any Constable of Pulaski county.

§ 8. The General Assembly having the power to alter or amend this act at pleasure.

Approved January 14, 1858

CHAPTER 79.

AN ACT for the benefit of the Danville, Dix river and Lancaster Turnpike Road Company.

Preamble.

Whereas, It is represented to this present General Assembly that the Danville, Dix river, and Lancaster Turn-

pike Company have finished and completed the construction of said road, according to the requisitions of said charter, and have constructed, at Hanging Fork, a first class arched bridge of seventy feet span, and at Dix river a like bridge of eighty feet span, and that the length of their road is only a fraction over twelve miles in length. For remedy whereof,

1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That said turnpike company shall be and they are hereby authorized to erect three toll-gates on said road, and collect full toll at each gate: *Provided*, The Legislature shall have power hereafter, when deemed just, to reduce the number of gates on said road to two.

May erect three gates.

Approved January 14, 1858.

CHAPTER 80.

AN ACT to incorporate Naomi Lodge, No. 129, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Robert K. Summerwell, John Todd, G. W. Marshall, D. B. Miller, James Spilman, and J. W. Campbell, and their associates, be and they are hereby created a body corporate, by the name and style of Naomi Lodge, No. 129, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16, 1838, nor in contravention of the constitution and laws of the United States or this State. The said corporation shall have power and authority to acquire an hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend or repeal this act is hereby reserved to the General Assembly.

Corporators.

Name and style, &c.

Approved January 14, 1858.

1858.

CHAPTER 81.

AN ACT for the benefit of B. D. Beall, late Clerk of Campbell County and Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Benjamin D. Beall, late Clerk of the Campbell Circuit and County Courts, shall have the further time of two years to collect his fee bills, under the laws now in force for the collection of fee bills, subject to all penalties and liabilities now imposed by said laws: *Provided*, that he shall, before he avails himself of the privileges of this act, execute bond, with good security, in the Campbell County Court Clerk's Office, conditioned to pay all cost and penalties imposed by the fee bill laws for issuing illegal fee bills or any other violation thereof.

§ 2. This act shall take effect from its passage.

Approved January 14, 1858.

CHAPTER 82.

AN ACT to amend an act, entitled, an act to amend an act incorporating the town of Raywick.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That "an act to amend an act, entitled, an act to amend an act incorporating the town of Raywick," approved March 7, 1856, be so amended, as that the 16th section of said act shall read thus: The Marshal shall have the same powers, perform the same duties, and be liable to the same penalties, that Constables of this Commonwealth now by law are, or may hereafter be authorized to perform, or be subject to. Before he enters on the duties of his office, he shall take an oath for the faithful performance of his duty, before the Police Judge of said town, and shall execute a covenant to the Commonwealth, with good security, to be approved of by the said Police Judge, faithfully to perform his duties, with conditions similar to a Constable's covenant, upon which suit, or motion, may be instituted, according to the rules of law governing Constables. He shall collect all town taxes, and other demands in said town, and shall be responsible, as a Sheriff or Constable is now by law in such cases; and shall be entitled to such fees for collecting tax, as the Trustees may allow him: *Provided*, That the said Police Judge shall have power to direct his process to be executed by the Marshal, or any Sheriff, or Constable of said county.

§ 2. This act to take effect from and after the first Monday in May, 1858.

Approved January 14, 1858.

CHAPTER 84.

1858.

AN ACT for the benefit of James D. Ballard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Madison fork of the Wilderness turnpike road be and they are hereby directed to enter a credit for one hundred and thirty dollars, on a judgment they obtained in the Madison Circuit Court, against James D. Ballard, &c., of Rockcastle County, as late toll gate keeper on said road; and that said Commissioners pay over to said Ballard the sum of four hundred and seventy dollars, out of any surplus funds in their hands as Commissioners of said road, or which may hereafter come to their hands: *Provided, however,* that no payment shall be made, as above directed, out of any money that may be necessary to keep said road in good repair.

§ 2. That if said Commissioners shall fail or refuse to give the credit, or make the payment above directed, the said Ballard may and shall have the right to prosecute an action in the Rockcastle Circuit Court, to compel them to do so.

Approved January 14, 1858.

CHAPTER 85.

AN ACT for the benefit of Eliphus Preston, of Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Eliphus Preston, of Johnson county, be and he is hereby permitted to build a schute in Sandy river, in Johnson county, at the place where he proposes to build a mill, on one side of said river, so the same does not impair or obstruct the free navigation of said Sandy river. This act shall take effect from its passage.

Approved January 14, 1858.

CHAPTER 87.

AN ACT for the benefit of John S. Adams.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Madison fork of the Wilderness Turnpike road be and they are hereby directed to enter a credit on a judgment they obtained in the Madison Circuit Court against John S. Adams, &c., on his bond as late gate keeper on said road, for the full amount of said judgment that now remains unpaid,

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which is about two hundred dollars, and that they pay to the said John S. Adams the sum of three hundred dollars, out of any money that may remain in their hands after all necessary expenditures for keeping said road in good and perfect repairs.

§ 2. That if said Commissioners fail or refuse to pay the money as above directed, when the same shall be in their hands, or to give to said Adams the above credit as directed, he shall have the right to maintain an action in the Rockcastle Circuit Court, to compel them to do so.

Approved January 14, 1858.

CHAPTER 88.

AN ACT to create the office of Inspector of Imported Lumber, in the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Office created.

§ 1. The office of Inspector of Imported Lumber for the City of Louisville, be and the same is hereby created.

City Council to elect the Inspector.

§ 2. The General Council of the City of Louisville, shall, annually, in the month of January, elect some suitable person to fill the office aforesaid; and they shall, by ordinance to be approved by the Mayor of said city, prescribe the duties of such officer; and also the fees to be paid him for his services, and by whom they shall be paid. The Mayor and General Council shall have power to remove said officer, and declare said office vacant for any willful neglect of duty, or failure on his part to discharge impartially and in good faith, the duties of said office.

May remove Inspector.

§ 3. This act shall take effect from its passage.

Approved January 14, 1858.

CHAPTER 89.

AN ACT in relation to the fees of Constables in Franklin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, the Constables of Franklin County shall be entitled to the same fees that are now allowed by law to the Marshal of the city of Frankfort, before the Police Judge of said city, for similar services performed by them, to be collected as other fees now are by said officers.

Approved January 14, 1858.

CHAPTER 90.

1858.

AN ACT establishing an additional voting place in Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established, in District No. 8, in Hardin county, an additional voting place, at the corner house of E. Jenkins, in the town of West Point; and the County Court of said county shall hereafter appoint officers to hold elections at said place of voting, under the same rules and regulations as are now prescribed by the general laws.

Approved January 14, 1858.

CHAPTER 92.

AN ACT to incorporate Forest Lodge, No. 308, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members, and those who may hereafter become members, of Forest Lodge, No. 308, of Free and Accepted Masons, at Beverly, Christian County, be and they are hereby created a body politic and corporate, by the name and style of Forest Lodge, No. 308, of Free and Accepted Masons; and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of purchasing and holding such real and personal property as may be required for the use of said Lodge, to receive all necessary conveyances, to sell, convey, and dispose of all such real or personal estate as they may now have, or may hereafter acquire: *Provided*, that the amount invested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

Corporate name and style.

Powers and privileges.

§ 2. That the management of the affairs of said corporation shall be and is hereby confided to the Master, Senior and Junior Wardens, and their successors in office, as Trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said Lodge.

Trustees.

§ 3. That the said Trustees shall have power to pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States, or this State, as may be necessary for the safe keeping of the property and other interests of the Lodge, and may have and use a common seal, and change the same at pleasure; and in conveying real estate, the whole Board of Trustees shall join in such conveyance.

Trustees may make by-laws, &c.

§ 4. The General Assembly hereby reserves the right to amend, alter, or repeal this act at pleasure.

Approved January 14, 1858.

1858.

CHAPTER 93.

AN ACT to establish a Police Court in the town of Winchester.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:**Judge, how
elected.

§ 1. That there is hereby established in the town of Winchester, a court to be called the Police Court of Winchester, the Judge and Marshal of which shall be elected by the qualified voters residing within the corporate limits of said town, on the first Monday in June, 1858, and on every fourth year thereafter; and the said election shall be duly advertised, and conducted in the manner prescribed by law for the election of Trustees of said town;

By whom elec-
tion held.

§ 2. That the persons authorized by law to hold the election of Trustees and other town officers in Winchester, shall have full authority to hold the election for Judge and Marshal, and shall, within three days after such election, certify to the Governor of this State the result thereof, who shall thereupon issue a commission to said Police Judge elect, in the manner now prescribed by law; and the said commission, with the affidavit of said judge, for the proper discharge of his duties endorsed thereon, shall be recorded in the Clerk's Office of the Clarke County Court.

Judge shall
reside in the
town, &c.

§ 3. Said Police Judge shall reside within the corporate limits of the town of Winchester, and shall hold his office for four years, and until his successor is qualified; and whenever a vacancy occurs in said office, by death, removal, or otherwise, it shall be filled by an election for the remainder of the term, upon due notice of the time and place of the election. And before he enters upon the duties of his office, he shall take an oath, before some judicial officer, to discharge the duties of his office faithfully and impartially, without favor or affection, to the best of his ability, together with such other oaths as are required of public officers, or such as the by-laws of said town may require.

Jurisdiction, &c.

§ 4. The said Police Judge shall have jurisdiction, within the limits of said town, of all civil causes of which Justices the Peace have jurisdiction, and such other cases as the parties may agree to be returned before him, whether such cases, or the penalty to the same, be in said town, or any where else in Clarke county, within justices jurisdiction. In all criminal cases, the said Police Judge shall have jurisdiction, as a Court of Enquiry, now or hereafter given by law to two Justices of the Peace, and shall proceed in like manner as said justices are required by law to do in criminal cases. He shall have jurisdiction of all offenses arising under the ordinances and by-laws of said town, and shall have power to enter judgment, and award execution accordingly. He shall have full power and authority to grant injunc-

May grant in-
junctions, &c.

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tions, attachments, restraining orders, and writs of *habeas corpus*, and to issue warrants in civil or criminal cases, to be served in the county aforesaid, under the same rules and regulations prescribed by the several acts authorizing Justices of the Peace to grant injunctions, attachments, restraining orders, and writs of *habeas corpus*, and to issue warrants; and it shall be the duty of said Judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of Justices of the Peace certified by him. He shall have power to issue summons for witnesses to give evidence in cases pending before him, and to give their depositions; and upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison for contempt: *Provided*, The fine shall not exceed five dollars, nor the imprisonment eight hours. He shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury would be necessary before a Circuit Court or Justice of the Peace. He shall have power to take depositions, and certify the same, as Justices of the Peace and Examiners now or may hereafter have; and his certificate to such deposition shall have the same effect as though made by a Justice of the Peace or Examiner.

General powers,
&c.

§ 5. The Police Judge shall be entitled to the following fees: For peace warrant, or for a riot, rout, unlawful assembly, or breach of the peace, fifty cents; for issuing any other warrant, twenty cents; for swearing a jury, and presiding over it, in any case except forcible entry and detainer, fifty cents; for the same, in case of forcible entry and detainer, or either of them, one dollar; for taking a recognizance to keep the peace, to be paid by the applicant, fifty cents; for granting an injunction, attachment, restraining order, writ of *habeas corpus*, twenty cents; for each subpoena issued, twenty cents; for each judgment in a civil case, twenty cents; for recording same, fifteen cents; for each execution, twenty cents; for taxing cost, and filing papers, twenty cents; all other fees of said Judge shall be the same as allowed by law to Justices of the Peace and Examiners, for similar services; and the fee bills of said Judge shall be due and collectable in the same manner as the fee bills of other officers of this Commonwealth.

Habeas corpus.

Fees, &c.

§ 6. Said Police Judge shall have jurisdiction of all cases of motions and suits against the Treasurer, Marshal, Clerk, or other officers of said town, for all sums of money or other thing, which may be due from them or either of them.

§ 7. Either party to any judgment rendered by said Police Judge, may appeal to the Circuit Court or Quar-

Appeals, &c.

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Regular terms
of courts.Marshal—quali-
fications and his
duties, &c.Shall serve pro-
cess, &c.

Fees, &c.

Provide.

Fines, &c., how
collected, and to
whom paid.

terly Court, under the same rules and regulations authorizing appeals to those courts from other courts.

§ 8. Said Police Judge shall hold a regular term of his court for the trial of civil cases, on the first Saturday in the month next succeeding his qualification, and on the same day every two months thereafter.

§ 9. The Marshal, before he enters upon the discharge of his duties, shall take an oath for the faithful performance of the same, in the County Court of Clarke county, and shall execute a bond, with one or more good sureties, to be approved by said County Court, in the penalty of two thousand dollars, payable to the Commonwealth of Kentucky, with conditions similar to the bond Constables are required by law to execute, and the same may be put in suit for a failure to perform the conditions thereof, by any person injured, in the same manner as suits are now authorized to be brought on a Constable's bond; and said Marshal shall also be subject to a motion against him and his surety, before said Police Judge, for a failure to pay over money to any person entitled to receive the same, under the same rules, regulations, and restrictions, as motions are authorized to be made against defaulting Constables.

§ 10. It shall be the duty of the Marshal to serve all process and precepts to him directed from the said Police Judge, and make due return thereof; collect all executions, and other demands which may be put into his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required of Constables in the collection of executions and other demands; and for a failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against a Constable in similar cases. The said Marshal shall have the same power and be entitled to the same fees for collecting executions and other demands as are allowed Constables in similar cases: *Provided, however*, Said Police Judge shall have power and authority to direct his process to be executed by the Sheriff or any Constable of Clarke county. Said Marshal shall be vested with all power and authority which is given Constables, in all cases cognizable before said Police Judge, or before a Justice of the Peace; he shall have power, if need be, to summon the aid of the county in executing any process to him directed; and any person failing to aid him when so summoned, may be fined by said Police Judge, not exceeding five dollars, or imprisoned not exceeding eight hours.

§ 11. That all fines and forfeitures, for a violation of the ordinances or by-laws of the town of Winchester, and in all cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of the Board of

Trustees, for the use and benefit of said town; and all moneys collected by judgment of a Justice of the Peace, for a violation of any of the ordinances or by-laws of said town, committed within the limits of said town, shall, in like manner, be paid over to the Treasurer.

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§ 12. That after the first Monday in June, 1858, the office of town Marshal of the town of Winchester, as now created by law, shall be abolished, and thereafter the Marshal of the Police Court of Winchester shall perform all the duties, and exercise all the functions that are now, by law required of the town Marshal of the town of Winchester, and be liable to like restrictions and penalties.

Office of Town
Marshal abol-
ished, and Mar-
shal of Police
Court to per-
form duties.

Approved January 14, 1858.

CHAPTER 94.

AN ACT for the benefit of George Parker and A. J. M. Thompson, late Sheriffs of Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That George Parker and A. J. M. Thompson, late Sheriffs of Union county, have the further time of two years, from and after the passage of this act, to list and collect their fees and arrearages of taxes and county levies due them as Sheriffs aforesaid, being subject to the penalties of the law for issuing illegal fee bills: *Provided*, That they shall, before they avail themselves of the privileges and benefits of this act, execute bond, with good security, before the Clerk of the Union County Court, conditioned to pay all costs and damages now imposed by law for the issuing of illegal fee bills or collecting taxes illegally.

Approved January 14, 1858.

CHAPTER 95.

AN ACT authorizing the election of Police Judge and Marshal for the town of Washington, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the qualified voters of the town of Washington, in Mason county, on the second Monday in January, 1858, to elect a Police Judge and Marshal for said town, to serve until the next regular election of those officers, under the act approved March 8th, 1854.

Approved January 14, 1858.

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CHAPTER 96.

AN ACT to amend the 4th section of an act to amend the act to establish a Sinking Fund in Bourbon County, approved March 10, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That if at the time the Sheriff of Bourbon County is required to execute bond for the collection of the railroad tax in that county, he shall refuse or fail to execute bond, he shall not have the collection of the county levy, but the person or persons who may be appointed to collect the railroad tax shall be appointed to collect the county levy, and the bond they execute shall be conditioned for the faithful discharge of his or their duties as collector of the county levy and railroad tax, as is by law required of the Sheriff when he is collector.

Approved January 15, 1858.

CHAPTER 97.

AN ACT for the benefit of Samuel I. M. Major.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and he is hereby directed to draw his order on the Treasurer for the sum of thirty dollars, in favor of Samuel I. M. Major, as pay for his services as Clerk of the Electoral College of Kentucky, assembled in December, 1856.

Approved January 15, 1858.

CHAPTER 98.

AN ACT to amend an act, entitled, an act to establish a Sinking Fund for Clarke County, approved March 4th, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Commissioners of the Sinking Fund for Clarke County, shall hereafter be appointed, and shall make their annual reports at the October term in each year, instead of the April term, as provided by the act to which this is an amendment: *Provided, however,* that nothing contained in this amendment shall prevent the appointment of Commissioners at the April term, 1858, to serve until the October term, 1858.

Approved January 15, 1858.

LAWS OF KENTUCKY.

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CHAPTER 100.

AN ACT to amend the charter of the Kentucky river Turnpike Road Company.

1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky river Turnpike Road Company shall have the right to make their road from any point they may have heretofore selected, or may hereafter select, on the Lexington and Winchester turnpike road, about nine or ten miles from Lexington, to the said river, at or near Combs' old ferry, according to the general description of the route specified in their present order, act, or contract of incorporation, and may extend said road from the said river through Madison county, so as to intersect the Boonsborough and Foxtown turnpike road.

Location may be changed.

§ 2. That Daniel Bentley, Waller Chenault, and Lloyd Quisenberry, be and they are hereby appointed Commissioners, in Madison county, with power for any one to act, to open books at such times and places as they may select, or to solicit subscriptions of stock for the purpose of constructing said road, as above provided, to be extended, and such stockholders shall have all the rights and privileges of the original stockholders in said road.

Commissioners in Madison county.

Approved January 15, 1858.

CHAPTER 101.

AN ACT to incorporate the Christian Church in Hustonsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of the Christian church in Hustonsville, be and are hereby created a body politic and corporate, by the name of Hustonsville Christian Church, with perpetual succession, and by that name shall be capable of contracting and being contracted with, suing and being sued, of purchasing and holding all such real and personal estate as may be deemed necessary for the use and accommodation of said church. They shall have power to receive all necessary conveyances, to sell, convey, and dispose of all such real and personal estate as they may now have, or hereafter receive, by devise, gift, purchase, or otherwise.

§ 2. That the concerns of said corporation shall be managed by W. L. Williams, Geo. Carpenter, E. W. Brown, J. M. Hocker, Edmund Powell, F. S. Kauffman, and David Williams, as Trustees of said church, and as such, have perpetual succession; that said trustees shall have power to fill all vacancies that may occur in the board, provided such persons as may be proposed to fill

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such vacancies shall be, at the time, members of said Christian church, and in good standing and in full fellowship, and that such appointment shall be subject to the ratification by the congregation.

§ 3. The Legislature reserves the right to alter or repeal this charter, and this act shall take effect from its passage.

Approved January 15, 1858.

CHAPTER 102.

AN ACT to amend the charter of Bacon College.

Whereas, an institution of learning, known and called by the name of Bacon College, was founded by certain members of the body of the "Disciples of Christ," denominated "Christians," and was chartered by the Legislature of Kentucky, in the year 1836; and whereas, said institution, after a series of unsuccessful efforts for its permanent endowment and establishment, suspended its regular collegiate operation; and whereas, in views of the educational wants of the said body of Christians in Kentucky, and of their wishes for the permanent success of said institution, known and expressed at various times, a plan for its full endowment and re-organization has been presented and prosecuted by John B. Bowman, of Mercer county, Kentucky, which has resulted thus far in the raising of \$100,000 of endowment fund; and whereas, it is desired to establish a first class University, upon a more modern, American and Christian basis, and to carry out such design, it is necessary to amend and extend the provisions of the charter of said institution. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said institution, known and called by the name of Bacon College, and located at Harrodsburg, in the County of Mercer, and State of Kentucky, shall be from and after the passage of this act, known and called by the name of Kentucky University.

§ 2. That John B. Bowman, James Taylor, John Aug. Williams, Benj. C. Allin, A. G. Kyle, A. H. Bowman, John A. Dearbon, D. W. Thompson, A. G. Vivion, Phil. B. Thompson, W. A. Cooke, G. D. Runyan, A. G. Talbott, P. B. Mason, C. T. Worthington, G. W. Givens, James C. Stone, A. G. Herndon, R. C. Graves, Wm. Morton, Joseph Wasson, John Curd, W. W. McKenny, W. L. Williams, John Allen Gano, John J. Rogers, Zach. T. Smith, Robt. C. Rice, Theodore S. Bell, and Enos. Campbell, shall be, and they and their successors in office, are hereby constituted a body politic and corporate, to be

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known by the name of the Curators of Kentucky University, and by that name shall have perpetual succession and existence, and a common seal, which seal they may change and alter at pleasure; and by the aforesaid name, and in their corporate capacity, may sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity; and the same, in their corporate name, are hereby invested with the legal right to all the property and estate, real and personal, as well as all the rights and claims, heretofore vested in the Trustees of the said Bacon College, and may, in said corporate name, sue for and recover the same, in as full and ample manner as the said Trustees of Bacon College could have done prior to this act.

Powers.

§ 3. For the purpose of promoting the cause of education in all its branches, and extending the sphere of science and Christian morality, the Curators aforesaid, and their successors, shall have power, from time to time, to establish and endow fully in said University, any departments and professorships which they may deem necessary to carry out the aforesaid objects. They, and their successors, shall furthermore have full power, in their corporate capacity, to hold, by gift, grant, devise, demise, or otherwise, any lands, tenants, hereditaments, moneys, rents, goods, chattels, or interests, of any kind whatsoever, which may be given, granted, demised, devised to, or purchased by them, for the use and benefit of said University; also, may sell, lease, rent, and dispose of the same, or any part thereof, in any way whatsoever, they shall adjudge most useful to the interests of said University.

May endow
Professorships.

§ 4. They shall also have full power to select and employ any officers and agents they shall deem proper; also such President, Professors, Instructors, and Tutors as they may, from time to time, consider necessary; also to make, ordain, establish, and execute, or cause to be executed, all such by-laws, rules, and ordinances, not inconsistent with the constitution and laws of the United States, or of this State, as they may think necessary for the welfare of said University, for their own government, the good government of the Professors, Instructors, Tutors, Agents, Officers, and Students of the same; and generally to do all acts necessary and proper to promote the welfare and prosperity of said University.

May select and
employ profes-
sors and other
officers.

§ 5. The permanent officers of the Board of Curators shall consist of a President, Secretary, Treasurer, and Executive Committee, all of whom shall be annually elected by the Curators from their own number, except the Treasurer, who may be elected out of the board.

Officers of board

§ 6. The Secretary of the board shall keep a fair and correct record of all the proceedings of the board, in a

Secretary, his
duties, &c.

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good and substantial book, which record shall be signed by the President and Secretary before the adjournment of each meeting, and shall at any time be subject to the inspection and examination of any member of the board, or any donor of the institution. He shall file away, and carefully preserve, all such documents and papers pertaining to his office and to the institution, as may come into his hands, which shall, upon his death, resignation or removal from office, be delivered up to the board, and he shall perform such other duties as the Curators may prescribe.

Treasurer, his
duties, &c.

§ 7. The Treasurer, before he enters upon the duties of his office, shall enter into a bond, with ample security, and in the penalty of one hundred thousand dollars, for the faithful discharge of the duties of his office. He shall take charge of all the funds of the institution; he shall pay over all money that may come into his hands, upon the order of the board; indorsed by the President thereof. He shall pay out no money except upon such order of the board, he shall render a true account current of the state of his office to the board of Curators, at its annual meeting, which account must be accompanied by the certificate of the Executive Committee, signed by each member thereof, and stating that it has been examined, and that it is correct, after which it shall then be published; and no person shall be eligible to re-election as Treasurer until such report is made, examined, and approved by the board of Curators; he shall furthermore, when his term of service expires, or he shall resign his office, or be removed therefrom, deliver up to the Executive Committee, or their order, all the books and papers pertaining to his office, and in each and every particular account for and pay over all money or other thing of value which may come into his hands as Treasurer. He shall also permit his books to be examined at any and all times, by the Executive Committee, or any donor of the institution. The bond of the Treasurer shall be placed in the hands of the Secretary of the board, and shall be renewed upon a re-election to the office, which bond shall be made payable to the Curators of said University.

Curators shall
be members of
christian church

§ 8. For the ownership and control of said University, at least two thirds of the board of Curators shall always be members of the Christian Church in Kentucky; at no time shall any member of the faculty be a member of the board.

Annual meet-
ings.

§ 9. An annual meeting of the board of Curators shall be held during the commencement week of the University, at which time they shall cause to be published a general account of the condition of the institution. A meeting shall be called at any other time, by the President of the board, at the suggestion of any three members, or the

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President of the University. Nine members shall constitute a quorum for ordinary business, one of whom shall be President *pro tem.* in the absence of the President of the board, and less than a quorum shall have the power of adjourning from day to day, or to any future day, until a quorum shall be had.

§ 10. A majority of all the Curators shall have power to remove a Curator from office, for any cause they may deem sufficient, and shall also have power to define the qualifications of a Curator; and whenever any Curator shall absent himself from two successive annual meetings of the board, without assigning a sufficient reason therefor, his seat shall be declared thereby vacant, and the board shall, at its next meeting, proceed to the election of a new Curator to fill such vacancy. All vacancies by death, resignation, or removal from office, or otherwise shall be filled by a quorum.

Board may remove a Curator.

§ 11. No less than a majority of the whole board shall have power to appoint the President, Professors, Instructors, and Tutors, and all other officers and agents, to fix their compensation, or increase or diminish the same, to remove the same from office for sufficient cause, and to fill all vacancies in the same, whether by death, resignation, removal, or otherwise: *Provided*, a vacancy may be filled by a quorum until a meeting of said majority shall be held.

Quorum, &c.

§ 12. The Curators, upon the recommendation of the President and faculty of the University, shall have power to grant such literary honors as are usually granted by the best Colleges and Universities in the United States, and such other honors as the board and faculty may think necessary, and in testimony thereof, to give suitable certificates or diplomas, under the seal of the corporation, and every such diploma shall entitle its possessor to all the immunities and privileges which, by any law or usage, are allowed to the possessors of diplomas granted by any College or University in the United States.

May confer degrees, honors, &c.

§ 13. All the provisions of the charter of Bacon College, heretofore enacted, which are in conflict with the provisions of this act, are hereby annulled and repealed.

Repealing clause.

§ 14. All lands, money, or other property, which may, by donation, devise, deed of gift, or otherwise, be contributed to said University, shall be strictly applied according to the instructions given by the donor or testator, and all money thus donated as a permanent endowment fund, shall be principal, and shall be, as the same accrues, invested in good, safe, profitable and permanent stocks, which shall remain forever intact, and the amount whereof is to be in no respect or in any manner whatever diminished, subject however, as necessity may demand, to investment and re-investment in such stocks, the pro-

Lands, &c., donated.

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ceeds of such stocks, either in the form of dividend or interest, or rents, shall be a fund in the hands of the Treasurer, subject to the order of the Board of Curators, and shall be used as the board may direct, for the purposes of the University.

No credit to be
extended
to
students.

§ 15. For maintaining and carrying out effectually the discipline of said University, *Be it further enacted*, that if, by any person, money be lent, or advanced, or any thing sold, or let to hire on credit, to or for the use of any student, or pupil under twenty-one years of age, at the said University, without the previous permission in writing, of his parent or guardian, or the authorized officers of said institution, nothing shall be recovered therefor by action of debt, and there shall, moreover, be forfeited to the institution twenty dollars, and the amount or value of such money or other things; where such selling, letting, lending, or advancing, is by an agent, such forfeiture shall be by his principal, unless the principal shall, within ten days after he has knowledge or information of the selling, letting, lending, or advancing, give notice, in writing, to the President or other head of the institution, that it was done without his knowledge or consent, in which case the forfeiture shall be by the agent.

Penalty for
crediting stu-
dents.

§ 16. If any person so violate the last above named section of this act, as to be liable to the forfeiture thereby declared, he shall, moreover, be fined not less than fifty nor more than three hundred dollars, and upon conviction, he shall be bound by the court, in a sum not less than five hundred dollars, with at least two sufficient securities, to be of good behavior for one year, and any subsequent violation of the section aforesaid shall be held to be a forfeiture of the recognizance.

Judge to give
act in charge to
grand jury.

§ 17. It shall be the duty of the Judge of the Mercer Circuit Court to give the fifteenth and sixteenth sections of this act in charge to the Grand Jury, at each and every term of said court, and the penalties imposed in the above named sections for a violation or violations of any of the provisions thereof, shall be recovered by indictment found by the Grand Jury, one-half of the aforesaid penalty to go to the Attorney of the Commonwealth.

Penalty for em-
bezzling funds,
&c.

§ 18. That if the President, or any Agent, or the Treasurer, or any other officer of the Board of Curators, or of the University, without the authority of the board, properly given and entered of record, as before directed, appropriate any of the funds of the institution to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries upon the books of the institution, with the intent to cheat or defraud the same, or any contributor to the funds thereof, or to hide or conceal any improper appropriation of said funds, the person so offending shall be deemed guilt-

ty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail or penitentiary of the State for a period of not less than one or more than twenty years.

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§ 19. The Board of Curators of Kentucky University shall consist of not less than thirty members, a majority of whom shall at all times reside out of the County of Mercer, and in any county of this State. Where the sum of fifteen thousand dollars may be subscribed to the endowment fund of the University, there shall be a representation of at least one member in the board.

Number of Curators.

§ 20. This act to take effect from and after the date of its passage.

Approved January 15, 1858.

CHAPTER 103.

AN ACT to incorporate Ark Lodge, No. 86, of Independent Order of Odd Fellows, at Caseyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Nicholas W. Casey, James W. Ralph, Wm. M. Riddell, Lewis L. Talbot, John W. Gregory, Edward T. Pitman, John M. Tate, John Cartmell, and James P. Finnie, and their associates, be and they are hereby created a body corporate, by the name and style of Ark Lodge, No. 86, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to alter or amend at pleasure. They may make or ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States, or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved January 15, 1858.

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CHAPTER 104.

AN ACT for the benefit of James Trimble, of Floyd county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Allowed further
time to collect
fee bills.

§ 1. That James Trimble, Clerk of the Floyd Circuit and County Courts, be allowed the further time of two years, from and after the passage of this act, to collect his fees and dues as Clerk of said courts; and that the said fees and dues have their distrainable and lienable qualities, as other fees in this Commonwealth, and that said Clerk be subject to the pains and penalties provided by law for issuing illegal fee bills.

Officers liable
for omissions of
duty.

§ 2. That the officer or officers receiving said fee bills, shall be subject to the liabilities that are now provided by law for defalcations or omissions of duty in similar cases.

Approved January 15, 1858.

CHAPTER 105.

AN ACT creating an additional Justices' District and voting precinct in Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created in the county of Crittenden, an additional Justices' and voting district, which shall be bounded as follows, to-wit: Beginning at Puckett's spring, on the line between the counties of Crittenden and Livingston; thence an eastward direction to Spring fork; thence with the ridge in an eastward direction to Thomas Dodd's Tanyard, including said Dodd; thence to William B. Clement's, including him; thence to Isaac Siscoe's, including him; thence to Wm. Murphy's, on the Wallace ferry road, including said Murphy; thence with said road to Andrew Love's, including him; thence to Alexander Coleman's, including him; thence a straight line to J. W. M'Cullum's and ——— Ray's, including them; thence with the Livingston county line to the beginning.

§ 2. The place of voting in said district, shall be at Union Church, and the Sheriff of said county is directed and required to open a poll at said voting place, as at other voting places in said county. All laws in force regulating elections, so far as the same are applicable, are hereby made applicable to the district hereby created. The legally qualified voters of said district shall be entitled to elect two Justices of the Peace and one Constable at the same time, and in the same manner as other districts.

§ 3. This act to take effect from its passage.

Approved January 15, 1858.

CHAPTER 106.

1858.

AN ACT to amend an act, entitled, "an act to amend the charter of the Versailles and Anderson Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to amend the charter of the Versailles and Anderson Turnpike Road Company be amended so as to read as follows: That each stockholder in said road, who resides in Woodford county, shall be excused from furnishing hands to work on any other road in said county, to the extent of one hand for each share of stock they may own in said road, at the passage of this act.

§ 2. This act shall take effect from and after its passage.

Approved January 15, 1858.

CHAPTER 107.

AN ACT to amend an act, entitled, an act for the benefit of Joshua Oaks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an act, entitled, an act for the benefit of Joshua Oaks, approved January 25th, 1856, be so amended as to allow the said Oaks to sell, lease, or dispose of the ferry privileges therein granted to him, to any person: *Provided*, The sale, lease, or transfer shall be approved by the County Court of Greenup county, a majority of the Justices being present; and provided, the lessee or transferee shall execute bond, in said court, with all the conditions required of said Oaks by said act.

Act of 1856 amended.

County Court to approve lease.

§ 2. Every subsequent transfer of said ferry privileges shall be under the control of said court, and according to the provisions of section first of this act.

Approved January 15, 1858.

CHAPTER 108.

AN ACT to amend an act to incorporate the Union Agricultural and Improvement Association of Mason and Bracken counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Union Agricultural and Improvement Association of Mason and Bracken counties, be so amended as to authorize the said association to grant to any individual or individuals the right to improve, by buildings or otherwise, the Fair Grounds of said Association, and have and use the said improvement, subject to the control of said Association.

May allow individuals to improve grounds.

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CHAPTER 115.

AN ACT to establish the American Printing House for the Blind.

Preamble.

WHEREAS, the State of Mississippi has, by law, made an appropriation of two thousand dollars to aid in establishing in Kentucky, a National Institution, to print and circulate books in raised letters for the blind; and whereas, said State has incorporated a Board of Trustees to receive said money, and twelve thousand dollars, which have been subscribed for the aforesaid purpose by citizens of Mississippi, and to transfer said funds to said institution in Kentucky; and whereas, it is anticipated that other states will make donations and incorporate Trustees to aid in this enterprise:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That an institution, under the name of the American Printing House for the Blind, shall be established in Louisville, Kentucky, or its vicinity; and that James Guthrie, William F. Bullock, Theodore S. Bell, Bryce M. Patten, John Milton, H. T. Curd, and A. O. Brannin, and their successors, be and they are hereby declared a body corporate, under the name and style of the Trustees of the American Printing House for the Blind, with the right, as such, to use a common seal, to sue and be sued, to plead and be impleaded, in all courts of justice, and in all cases in which the interests of the institution are involved. The said Trustees are hereby fully empowered to receive, by legacies, conveyances, or otherwise, lands, money, and other property, and the same to retain, use, and apply to the publishing of books in raised letters, for the blind in the United States. Said Trustees are authorized to purchase land, and erect, purchase, or rent buildings for the use of said institution, and to make all such contracts as may be necessary to accomplish the purposes of their incorporation. They are hereby invested with the same privileges, in regard to the copy right of books published by them, as are enjoyed by natural persons. Said Trustees shall appoint a Superintendent, or General Agent, and such other agents as may be necessary; may prescribe their duties, fix the term of their offices, and the amount of their compensation; *Provided, however,* That no contract entered into by any such officer, where money is to be paid out, shall be binding until ratified by the Trustees. The Trustees may adopt, from time to time, such by-laws, rules, and regulations, as they may deem necessary, provided they are not inconsistent with the constitution and laws of the United States or of this State.

Powers, &c.

President and other officers to be elected.

§ 2. The Trustees shall elect, annually, a President, a Treasurer, and a Secretary, who shall hold their offices until their successors shall be elected and duly qualified.

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Said Trustees may prescribe the duties and fix the compensation of said officers.

§ 3. It shall be the duty of said Trustees to hold an annual meeting, and other stated meetings, at such times as they may appoint, and such special meetings as may be called by the President. It shall be the duty of the Trustee first named in this act, to call the first meeting of the board, within twenty days from and after the approval of this act.

§ 4. The Trustees shall require from the Treasurer, before he enters upon the duties of his office, his bond in the penalty of not less than twenty thousand dollars, payable to the President, or his successors in office, of the board; conditioned, that he will take care of and account for all money and other property of the board that may be entrusted to him, and that he will well and truly perform all the duties of his office.

Treasurer to give bond.

§ 5. The said Trustees shall have power to invest any money in the hands of the Treasurer, when to them it shall seem expedient, by way of loan, at any legal rate of interest, to be secured by mortgage on real estate, unincumbered and of double the value of the amount loaned, the interest in all cases to be payable semi-annually.

Trustees may invest money.

§ 6. It shall be the duty of the Board of Trustees, before commencing the publication of any book, to request the Superintendent of every institution for the Education of the Blind in the United States, to make out and send to the Trustees of the Printing House, a list of such books as he may deem most desirable for the use of the blind; and said Trustees shall select for publication the book that shall have received the greatest number of Superintendent's votes in its favor. This mode of selecting books for publication shall be repeated at least once every year.

Duties of Trustees in relation to publishing books.

§ 7. Every school for the blind located in a state whose Legislature or citizens contribute to the funds of the American Printing House, shall, in proportion to the funds contributed, be entitled to copies of every book published by said house, to be distributed gratuitously to such blind persons as are unable to purchase them. And the Superintendents of said schools shall be required to report to the Trustees of said house, the names and residences of all persons to whom books may be thus distributed. The prices of books published by this institution shall be made so low as merely to cover the cost of publication and other incidental expenses of the institution.

Blind schools to get books, &c.

§ 8. It shall be the duty of the Board of Trustees to make an annual report of their proceedings, which shall embrace a full account of the receipts and disbursements, the funds on hand, the number of books sold, and the

Trustees to report annually.

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number distributed gratuitously; and a general statement of the condition of the institution; and they shall transmit copies of said reports to the General Assembly of Kentucky, to the Governors of the several States of the Union, to the President of each State Board of Trustees, to the Superintendent of every Institution of the Blind in the United States, and to every person who shall have made to the institution a donation of more than five dollars the previous year.

Patron's subscription.

§ 9. The donation of five hundred dollars by one person, shall constitute him a patron of the institution, and his name shall be so published in the annual reports. Any person who shall make a donation of more than five hundred dollars, shall also be entitled to embossed books equal in value to the excess of his donation over and above five hundred dollars.

Board of Visitors.

§ 10. The Presidents of the State Boards of Trustees, shall, *ex-officio*, constitute a Board of Visitors, each member of which shall, at all times, be authorized to visit the Printing House, examine the books, and investigate the proceedings of the Trustees; and the President of the oldest State Board of Trustees shall, at the written request of a majority of the Visitors, call a meeting of the Board of Visitors, who shall be fully empowered to investigate the proceedings of the Trustees of the institution; and in case they shall find that said board, or any member thereof, has mismanaged the affairs of said institution by malfeasance in office, or neglect of duty, they may, a majority of three-fourths of all the members concurring, declare the office or offices of said Trustee or Trustees vacant, and proceed to fill such vacancy, by election from the citizens of Louisville or its vicinity. Notice of all meetings of the Board of Visitors shall be sent by mail to all the Presidents of the State Boards, and to all the Trustees of the Printing House, at least one month before the time appointed for said meetings.

Trustees, term of office.

§ 11. The Trustees of said Printing House shall continue in office until their offices shall become vacant by resignation, death, or removal from office, as herein before provided for. All vacancies caused by resignation or death, shall be filled by the remaining members of the board.

Donations to be returned if the House is not established.

§ 12. That each donor shall be entitled to his donation, with the interest, after the deduction of the necessary expenses are paid, provided said publishing house is not established within nine years from the passage of this act; and should the board refuse to make said distribution among said donors, according to their respective interests, then and in that event, said donors may have the right to proceed to recover the same by legal proceedings, instituted in any of the courts of this Commonwealth having jurisdiction thereof.

Approved January 23, 1858.

CHAPTER 116.

1858.

AN ACT act to incorporate the Fulton County Agricultural and Mechanical Association.

Whereas, divers persons of the county of Fulton, and adjoining counties of this Commonwealth, and Tennessee and Missouri, have organized an association under the name and style of the Fulton county Agricultural and Mechanical Association, for the purpose of promoting improvement in all the various branches of Agriculture, Mechanics, and Horticulture, and for that purpose have adopted a constitution and by-laws, and elected a President, Vice President, and eleven Directors, to control and manage the affairs thereof; and have applied to the General Assembly for an act of incorporation. Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said association be and it is hereby created a body politic and corporate, with perpetual succession, under the name and style of the "Fulton County Agricultural and Mechanical Association," at the city of Hickman, and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding twenty-five acres, and may improve, sell, or convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the President, Vice President, and Directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal, or may use the seal of its President for the time being.

Corporate name and style.

May have a seal.

§ 2. That the President, Vice President, and Directors already chosen as aforesaid, shall continue in office until the fourth Monday in April, 1858, and until their successors are duly elected and qualified. An election, however, of eleven Directors shall be had on the fourth Monday in April next, by the qualified members of said association, and annually thereafter, unless the members of said association, at said annual election, shall, by resolution, fix upon a different day; at the election for the officers aforesaid the vote shall be taken by ballot, and each stockholder shall be entitled to one vote, and the name having the highest number of votes shall be deemed elected. No one shall be eligible to said office unless he be a stockholder of the association. The eleven Directors, when elected, shall have full power and authority to choose one of their number President, and one Vice President, also to fill vacancies occurring in the board.

Officers and term of office.

§ 3. That at all the meetings of the association or Board of Directors, the President shall exercise all the usual duties of that office. All motions shall be addressed

Meetings and powers of officers.

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to him, and upon every vote he shall declare the result, and in case of a tie, give the casting vote. He, or any three members of the board, shall have power to call special meetings of the Society or Board of Directors. In the absence of the President, the Vice President shall take the chair, and if both be absent, the members present may elect a President *pro tem*.

Affairs to be under control of a Board of Directors.

§ 4. That the prudential, fiscal, and other concerns of said association, together with all of its estate of every kind, shall be under the control and management of the President, Vice President, and Board of Directors aforesaid; and they shall have power to appoint a Secretary and Treasurer, and such other inferior officers as they may deem necessary in carrying out the purposes of said association; and they may require of such inferior officers, or either of them so elected, bond, with good security, for the faithful discharge of his or their duties. Said President, Vice President, and Directors shall have power to make such regulations, not inconsistent with the constitution and laws of this Commonwealth, as in their opinion may contribute to the good order and management of said association, and may, from time to time, modify or repeal the same at their pleasure. They shall have power to contract and be contracted with, in their corporate name, and to do any and every other act, not inconsistent with the constitution and laws of this Commonwealth, which, in their opinion, will contribute to advance the objects of said association.

Quorum.

§ 5. Any five members of the Directory, together with the President, shall be a quorum for the transactions of business unless the association shall fix upon a different number.

Liable for debts.

§ 6. That said association shall in its corporate capacity, with all its estate belonging thereto, be liable for any debts heretofore contracted by it, or by its authority, as fully as though the same had been contracted since the passage of this act.

Stock, how taken.

§ 7. That said association may, under the direction of the President and Directors, continue open books for the subscription of stock to said association may fix the shares of said stock, and may provide for life membership in said association, and shall issue certificates of stock to such life member, which stock shall, to all intents and purposes, be held to be personal property, and shall be transferrable on the books of the association in such manner as the Board of Directors shall direct; and may annually, or oftener if desirable, at or near the city of Hickman, hold fairs for the exhibition of the products of the soil, specimens of the mechanical arts, of useful and domestic animals, and whatever else serves to represent the labor and industry of the State, and may award premiums as may be necessary and proper.

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Entrance fees,
how fixed.

§ 8. That the board of Directors shall have power to fix the amount to be paid for entrance at the gates of the fair-grounds, and any person who shall, during the days on which their annual or other fairs are held, be detected in making any attempt to, or of entering the fair grounds of said association clandestinely, or in any other manner than at the regular gates, after first having paid the regular fee or being privileged to do so by order of the Board of Directors aforesaid, or of using any other device or undue means whatever to defraud the said association out of their regular gate fees, shall, upon conviction, pay a fine of not less than ten nor more than twenty dollars, said fine to be recovered, together with cost, by warrant before the City Judge of the city of Hickman, or before any Justice of the Peace in and for the county of Fulton.

Liquors, &c.,
net to be sold on
grounds.

§ 9. That during the day of the annual or other fairs of said association, no person shall, without the consent of the Board of Directors aforesaid, erect upon said fair grounds any stall, booth, or shed, nor sell any confectionaries, cakes, fruits, beer, ale, or refreshments of any kind, or any spirituous or vinous liquors; and any person or persons who shall violate the provisions of this section, shall be fined not less than ten nor more than twenty dollars, to be recovered, together with the cost, by warrant before the City Judge of the city of Hickman, or before any Justice of the Peace in and for the county of Fulton. Each act of selling shall be a separate offense. All fines recovered under this and the next preceding section, shall be for the benefit of the association aforesaid.

Board may re-
move persons
selling liquors,
&c.

§ 10. That the Board of Directors aforesaid shall have power, for and during the days of their annual or other fairs, to remove any booth, stall, shed, wagon, cart, or other vehicle, or table, on or at which any confectionaries, cakes, fruits, cider, ale, porter, beer, spirituous liquors, or refreshments, is sold, or offered to be sold, upon the fair grounds aforesaid, without the consent of the Board of Directors first had and obtained.

Treasurer to sue
for a violation
of the laws, &c.

§ 11. That it shall be the duty of the Treasurer of this society, upon information to him that a violation of any of the provisions of this act, or any of the by-laws passed in conformity to the provisions thereof, has taken place, to institute suit in the name of the society, for the recovery of the fine or penalty for such offense, and to prosecute the same to judgment.

Approved January 23, 1858.

1858.

CHAPTER 117.

AN ACT to amend the charter of the Louisville and Taylorsville Turnpike Road.

Preamble.

Whereas, it is represented to the General Assembly that the present turnpike road from Louisville to Taylorsville has not been graded at all points in exact accordance with the provisions of the act of incorporation, in consequence of the great difficulty of letting said grade: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Grade of road legalized.

That the present grade of said road at Raglan's hill, near Fisherville, and the grade of the road at Mechanicsville, and the grade of the road at the hill between Robt. Jewett's and Denwidies, be and the same are hereby legalized; and the rights and powers of the Louisville and Taylorsville turnpike road company shall be and remain in every respect as full as if the grade of the said road had conformed to the provisions of the charter of said company.

Approved January 23, 1858.

CHAPTER 118.

AN ACT for the benefit of Schools in the City of Paducah.

Preamble.

Whereas, doubts have arisen whether the Revised Statutes, title Schools and Seminaries, articles six, seven, eight, and nine, have not repealed the act of 9th of February, 1837, in relation to the male and female Seminaries and Academies of Paducah; and whereas, certain of the Trustees have departed this life since the acts establishing said seminaries or academies: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts passed prior to the Revised Statutes re-enacted, &c.

That the acts of the Legislature in relation to said seminaries or academies, passed prior to the adoption of the Revised Statutes, are hereby re-enacted and revived, and declared to be in full force and effect; and the Trustees and managers appointed by said acts, or the survivors of them, or such of them as may act, and their successors, shall have full power and authority to do and perform every thing allowed by said acts to be done by them respectively. And this act shall take effect from its passage.

Approved January 23, 1858.

CHAPTER 119.

AN ACT for the benefit of A. J. Fleming.

1858.

Whereas, it is represented to this General Assembly that a Common School was regularly taught in District No. 16, in the County of Livingston, in the fall and winter of 1856, for the length of time prescribed by law, and that the Trustees of said district made their report in due time of said school to A. J. Fleming, Common School Commissioner for said county, who lost or mislaid the same, and which was never reported to the Superintendent of Public Instruction, the amount due said district was eighty six dollars, which amount was paid over to the Trustees of said district by said Fleming, out of his own private funds. Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That A. J. Fleming be allowed the sum of eighty-six dollars, and that the Auditor draw his warrant for said amount, on the Treasury, and charge the same to Common School Fund of Livingston County.

Approved January 23, 1858.

CHAPTER 120.

AN ACT for the benefit of Ralph Cotton and John Gardner, of Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Ralph Cotton and John Gardner, of Nelson county, and owning lands on both sides of the Beech fork of the Rolling fork of Salt river, be and they are hereby authorized to erect a fish dam and pot across the said Beech fork, at such place as they may deem fit, when their lands lie on both sides of the stream: *Provided*, That the County Court of Nelson shall have power, upon any person or persons aggrieved giving them ten day's notice, to require the same to be removed at the expense of said Cotton and Gardner, if it shall be found to injure the navigation of the stream, and an obstruction to the passage of fish up said river or stream.

Approved January 28, 1858.

CHAPTER 121.

AN ACT to incorporate the McCracken County Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard A. Bacon, Alfred Boyd, James C. Calhoun, Isaac Clark, E. Norton, Epps Allen, William

Corporators,
&c.

1858.

Name and style.

Powers.

Capital stock.

Notice to be
given of elec-
tion of officers.President and
Directors—term
of office.Concerns to be
confided to
Board.

Morrow, and George A. Allen, and such other persons as may choose to associate with them, be and they are hereby created a body politic and corporate, with perpetual succession, under the name and style of the McCracken County Agricultural and Mechanical Association; and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and shall be capable of acquiring, by purchase or otherwise, any quantity of land in the County of McCracken, in the neighborhood of Paducah, not less than ten acres nor more than one hundred acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire hold and dispose of such personal estate as the President and Directors of said association may deem necessary. The said association may adopt and use a corporate seal.

§ 2. The capital stock of said association shall be divided into shares of fifty dollars each, to be subscribed for and taken agreeably to such rules and regulations as the corporation may direct. Any five of the persons before named, or any three of them, are authorized to open books for the subscription of stock in said corporation, at any time and place they may designate; and so soon as in their judgment sufficient stock is subscribed to meet the objects of said association, they may call a meeting of the subscribers who are shareholders, at Paducah, after having giving public notice through the papers published in said city, at least ten days previous thereto, of the time and place of such meeting; at which time the subscribers then present shall proceed to the election of a President and four Directors of said association, each of whom shall be a shareholder therein, and such other officers as they may deem necessary; and each share shall entitle the holder thereof to one vote, and may be given by proxy; and the shares may be transferable at the pleasure of the holder.

§ 3. The President and Directors so chosen shall continue in office one year from the time of their election and until their successors are duly elected, unless the members of said association shall, by resolution or by-law, fix upon a longer period as the term of office.

§ 4. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the President and Directors thereof; and they shall have power to appoint a Treasurer and Secretary, and such other officers as they may deem necessary, and may require of such officers bond, with surety, for the faithful performance of their duties, payable to the President and Directors of said association; and the said President and Directors have the power, and they may do and perform

1858.

any and every act that may be necessary to advance the interest of said association, which may not be contrary to the national or state constitution, or any laws passed thereunder; and a majority of the Directors of the association, together with the President, shall constitute a quorum for the transaction of business.

§ 5. The said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debts contracted by it or by its authority.

Liable for debts.

§ 6. That no spirituous, vinous or malt liquors shall be sold upon the premises during the continuance of any fair, or within one-half mile of the fair grounds, (unless by the consent of two-thirds of the stockholders, in writing,) under the penalty of twenty dollars for each and every offense, to be recovered, in the name of the President and Directors of said association, before the City Judge of Paducah, or before any Justice of the Peace of McCracken county, by warrant, and each separate act of selling shall be a distinct offense.

Liquors, &c., shall not be sold on grounds.

Fines.

§ 7. any county, other than the county of McCracken, which by its citizens shall subscribe as much as ten shares to the capital stock of this association shall, by its subscribers, elect and appoint two directors of the association, and one for each additional subscription of five shares, who shall have the same powers and privileges of the other Directors. And the Directors of this association shall, by their by-laws, collect the shares subscribed at any time and in such amounts as may be necessary to advance the said association.

County subscribing to stock may elect Directors, &c.

§ 8. All fines recoverable under the sixth section of this act shall belong to said association, and may be disposed of in such manner as the by-laws of the association may require.

Fines, how collected, &c.

§ 9. This act shall take effect on the 1st day of March, 1858, and continue in force for thirty years; and the General Assembly reserves the right to alter, amend or repeal this act at pleasure, saving however vested rights or the rights of creditors.

Approved January 23, 1858.

CHAPTER 122.

AN ACT to incorporate the "Paducah Southern Iron Works."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David Watts, John H. Terrell, Isaac Clark, George H. Morrow, James C. Calhoun, Wm. F. Norton, John F. Harris, L. M. Flourney, E. L. Anderson, Alfred Boyd, and Henry Enders, their associates, successors, and assigns, shall be, and they are hereby created a body

Corporators.

1858.

Name and style.

Powers.

Business.

Capital stock.

Company may
purchase land,
&c.Shares of stock,
certificates, &c.President and
Directors.Meeting of
stockholders—
how called, &c.

politic and corporate, by the name and style of the "Paducah Southern Iron Works," and shall so continue for the term of thirty years, from and after the first day of January, 1858; and by that name and style, shall be as capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules, and regulations, for the good government of said company, and for the efficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the laws and constitution this State or of the United States.

§ 2. That the business and operations of said company shall consist of manufacturing nails and iron in all its branches and departments; and for that purpose the capital stock of said company shall be one hundred and fifty thousand dollars, in shares of one hundred dollars each, with liberty to increase the same, from time to time, as the necessities of the company may require, and the majority of the stockholders may demand; the said shares of stock to be taken and held as personal estate, and shall be transferable on the books of the company in such manner as the President and Directors shall, by their by-laws, prescribe. The said company may purchase and hold as much land as may be required for its offices, the residence of its officers, agents, laborers, and for sites for its works, and for suitable engine and other houses for its works; and may sell or exchange the same, and purchase again for said purposes, and may hold such personal estate, such as the machinery and its appendages, as will be necessary and convenient for the operation and business of the company.

§ 3. The shares of the capital stock of said company shall be one hundred dollars each, for which a certificate or certificates shall be issued, to be signed by the President and Secretary of said company, with the seal, if any, of the corporation attached thereto; and at all meetings of the shareholders each share shall be entitled to one vote. There shall annually be elected, by the shareholders, five directors, who shall choose out of their number, a President, and appoint such other officers as they, by their by-laws, may designate and require—the time of said election to be fixed by the majority of the stockholders.

§ 4. The corporators named in the first section of this act, or a majority of them, may, by advertisement for one week, in either or both of the newspapers published in the city of Paducah, call a meeting of the shareholders, and superintend the same; and said shareholders, or their

proxies, (in writing,) shall elect five Directors, owners of at least four shares each, in said company, said directors to serve one year, and until their successors shall be chosen; and annually thereafter during the continuance of this charter, an election shall be held, on such day, and at such place in Paducah, as the by-laws may designate. To said President and Directors shall be intrusted the care, control, and management of the real and personal estate, business, property, funds, and other concerns of said company. The said President and Directors shall have power to fill all vacancies occurring in their body, by death, resignation, or otherwise; and they shall also have the power to borrow money to carry on the concern, whenever a majority of the stockholders by resolution or order entered on their record so directs. And said President, Directors & Co., are hereby empowered with all necessary power and authority that may be necessary to carry on the concern, to prevent delay or vacancies, and to further the object contemplated by this charter.

1858.

Powers and duties of the President and Directors.

§ 5. The Legislature reserves the right to alter, amend or repeal this act at pleasure.

* Right to repeal reserved.

§ 6. This act to take effect from its passage.

§ 7. That any person or persons, company or companies, or bodies corporate and politic in the State of Tennessee, now engaged, or who may hereafter engage in the making of pig metal, blooms or other kinds of iron, may become shareholders or stockholders under this charter, with the same rights and privileges granted to the original stockholders, upon their compliance with such by-laws, rules, and regulations, as the original corporation may prescribe.

Citizens of Tennessee may become stockholders.

Approved January 26, 1858.

CHAPTER 125.

AN ACT to incorporate the Ohio County Agricultural, Mechanical, and Domestic Society.

Whereas, divers persons have organized an association, under the name and style of the Ohio county Agricultural, Mechanical, and Domestic Society; and under such organization and association have adopted a constitution and by-laws, elected officers, purchased grounds, and improved the same. Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said association be and the same is hereby created a body politic and corporate, with perpetual succession, and as such, and under that name, or any other name that it may assume, may sue and be sued, in all courts of law and equity, and be capable of enjoying all

Corporate powers.

1858.

the rights and privileges of a body corporate; and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding fifty acres, and improve the same, as they may deem proper, or may sell and convey the same, and acquire other lands in their stead, and may, in like manner, acquire any personal or mixed property, or *choses in action*, that they may deem necessary for the advancement of the interests of the society.

May have a seal,
&c.

§ 2. That said society may adopt a common seal, or use the private seal of their President for the time being, or contract and be contracted with, by order of the board, of the President and Directors, entered on their minutes, either of which modes shall be binding and obligatory on the society.

Former acts
confirmed.

§ 3. All the contracts heretofore made, and any purchases of, or conveyances of lands, heretofore made to the society, or the President and Directors, are hereby confirmed and ratified; and the title to said lands shall vest in and become the property of said society, and be for its sole use and benefit, as fully as if said society had been incorporated and legalized at the time of doing said acts.

Constitution
and by-laws.

§ 4. The constitution and by-laws adopted by the society, and the election and appointment of officers made under the same, are hereby ratified and confirmed; and said society shall have full power to add to, modify, alter, and amend said constitution and by-laws: *Provided*, that nothing in their constitution and by-laws shall conflict with the constitution and laws of this State.

May change
name of society.

§ 5. Said society shall have power to alter and change the name and style of the society, so as to extend the range of its premiums, or the sphere of its action, or to include the citizens of adjoining counties, and to amalgamate and unite with other associations or counties, which change or changes shall not alter the force and effect of this act of incorporation, but the same shall be and remain applicable to the society so altered or changed.

Powers of President
and Directors.

§ 6. The society, or its President and Directors, shall have full power to adopt the necessary rules and regulations to secure good order on the fair grounds, and to secure the buildings and property on the same and to affix penalties to the violation of said rules and regulations, proceedings for the recovery of which penalties shall be in the name of the President and Directors of said society, and for their use and benefit, and recoverable before any tribunal having jurisdiction for like sums in actions of debt, and proceeded on in like manner. And in the adoption and enforcement of said rules and regulations, said society, or its President and Directors, shall not be confined to the fair grounds only, but shall have power

to prohibit the exhibition of any shows, races, games, or the direct or indirect sale of any liquors, or other drinks, or refreshments, any where within six hundred yards of the grounds of the society, for and during the days of the exhibition of the society.

1858.

§ 7. This society shall have the power to increase their stock to an amount not exceeding \$10,000, to contract debts not exceeding the amount of their stock, and for which the stock, lands, and other property of the society shall be bound and liable. Stock shall be transferrable, and descend to the representatives of the owners thereof, in the manner prescribed by the constitution and by-laws.

May increase
the capital stock

§ 8. Bonds, with sufficient security, may be required of any of the officers of said society, for the faithful performance of their duties, which bonds shall be binding and recoverable in law or equity, in the same manner of similar writings or obligations.

Officers to give
bond.

Approved January 26, 1858.

CHAPTER 128.

AN ACT for the benefit of William M. Fox and John Crawford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, be and the same is hereby given to William M. Fox, late Circuit and County Court Clerk of Pulaski county, and present County Court Clerk of said county, to collect his list of unpaid fees as clerk of the courts aforesaid; and that he have power to list the same with the proper collecting officer or officers, and that they be hereby authorized to distrain for the collection of the same, under the laws governing the collection of such: *Provided, however,* That before said Fox shall be entitled to the benefit of the provisions of this act, so far as his fees as former Circuit Court Clerk, his sureties, as such officer, shall give their assent in the Circuit Court Clerk's Office of said county.

W M. Fox.

§ 2. That the further time of two years, from and after the passage of this act, be allowed John Crawford, present Clerk of the Pulaski Circuit Court, to list and collect his unpaid fees as clerk aforesaid, under the laws in force authorizing distraint to be made for the collection of fee bills.

John Crawford.

§ 3. This act shall be in force from the date of its passage.

Approved January 26, 1858.

1858.

CHAPTER 129.

AN ACT to change the Magistrate District No. 2, in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Magistrates and Constable District. No. 2, in Washington county, be and the same is hereby so changed as to include the farm upon which Daniel J. Mitchell lives.

Approved January, 26, 1858.

CHAPTER 130.

AN ACT to amend the charter of the People's Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 10, of the charter of the People's Insurance Company, of Louisville, be and is hereby amended by adding, "but they may loan their money on public or private securities.

Approved January 26, 1858.

CHAPTER 131.

AN ACT to incorporate the Preachers Aid Society of the Louisville Conference of the Methodist Episcopal Church South.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Preachers Aid Society of the Louisville Conference of the Methodist Episcopal Church, South, in that name and style, be created a body politic and corporate, with perpetual succession, and in that name have power to sue and be sued, plead and be impleaded, in any of the superior or inferior courts of this Commonwealth, and have a common seal.

§ 2. That the officers of the society consist of a President, two Vice Presidents, a Secretary, Treasurer, and nine Managers, who shall be elected annually at such time and place as shall be fixed by a majority of the society, and continue in office one year or until their successors be duly elected.

§ 3. The object of this society shall be to render aid and assistance to superannuated and worn out Preachers of said conference, and also for the aid of the wives and children of such ministers of said conference who have died in the regular itinerant service as ministers: *Provided*, that all beneficiaries of the society be really needy.

§ 4. The society shall have power to enact and enforce such by-laws, rules and regulations as they shall think

proper for their government, and for the regulation and transaction of the business of the society: *Provided*, the same does not conflict with the constitution and laws of this Commonwealth.

1858.

§ 5. That the society shall have full power to receive and hold, for the purposes expressed in the 3d section, by gift or devise, any property, real or personal, and sell and dispose of the same, as they may think best for the promotion of the object of the society.

§ 6. That the Legislature reserves the right to alter, amend, or repeal this act at pleasure.

Approved January 26, 1858.

CHAPTER 132.

AN ACT to incorporate the Bardstown and Bloomfield Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed, and created a body politic and corporate, by the name and style of the Bardstown and Bloomfield Turnpike Road Company, for the purpose of making a turnpike road from Bardstown to Bloomfield, in Nelson county.

Name and style.

§ 2. That Wm. Queen, A. C. Wilson, Ellis Duncan, Charles Allen, William Minor, and ——— Gore, be and they are hereby appointed commissioners, any two of whom may act, to open books for subscription of stock, at such times and places as they may deem proper. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and whenever the sum of fifteen thousand dollars shall have been subscribed to the capital stock of said company, the commissioners named in this section shall give notice, by public advertisement, for a meeting of the stockholders, for the purpose of electing a President and five Directors; one vote shall be allowed for each share of stock, and the President and Directors shall continue in office until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the President and Directors, and a majority of the board shall be competent to transact business. That sections 4, 5, 6, 7, 8, 9, 10, and 11, of an act, entitled, an act to incorporate the Bardstown and Chaplinton Turnpike Road Company, be and the same are hereby added as additional sections to this charter.

Commissioners,
&c.

Election of officers.

Sections of act referred to.

Approved January 26, 1858.

1858.

CHAPTER 133.

AN ACT to incorporate the Maxville, Thompsonville and Springfield Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style. § 1. That a company is hereby formed, under the name and style of the Maxville, Thompsonville, and Springfield turnpike road company, for the purpose of constructing an artificial road from Maxville, through Thompsonville, to Springfield, with due regard to the most practicable route embracing the points specified.

Capital stock. § 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each, and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors may increase it to such amount as they may deem necessary, and open subscription therefor in such way as they may deem best.

Books to be opened. § 3. Books for the subscriptions of stock in said company shall be opened on the _____ day of _____, 1858, or as soon thereafter as may be convenient, at the town of Maxville, under the direction of John Bosley, Robert Reed, Samuel Peter, R. S. Michell, John M. Smith, and S. T. Mays, and at Thompsonville, under the direction of D. P. Hughes, Thomas Montgomery, Zacariah McDonald, and Stith Thompson, and at Springfield under the direction of Joseph Spalding, Edward L. Davidson, Hugh McElroy, and Benjamin E. Montgomery, or some two or more of them, at each place, the same persons to be appointed Commissioners, &c.

Charter of Lebanon and Maxville turnpike made part of this. § 4. That all the sections, after the enacting clause, of an act, entitled, an act to incorporate the Lebanon and Maxville turnpike road company, approved March 10th, 1856, except so far as modified and changed by this act, be and the same is hereby incorporated and made a part of this charter, as far as applicable, as fully as if each section was fully written out and incorporated, section by section, in this act.

Road heretofore laid out made part of this. § 5. That the construction of the turnpike road from Springfield, in the direction of Maxville and Thompsonville, along the lands of E. L. Davidson, Hugh McElroy, J. R. Hughes, P. I. Booker, E. B. Brown, B. E. Montgomery, and Joseph Spalding, which has been laid out and graded before the passage of this act of incorporation, shall be considered as part of the Maxville, Thompsonville and Springfield turnpike road; and the stock subscribed to make said road shall be taken as part of the capital stock of said company: *Provided*, the stockholders to said road and a majority of the Commissioners in the third section of this act, shall in writing agree and consent to the same.

§ 6. That said company shall have power to erect a toll gate and receive toll, whenever two and a half consecutive miles of road shall be completed.

1858.

May erect gates.

§ 7. That in case the stockholders and Commissioners referred to shall refuse to consolidate and unite the stock already taken, with the capital stock of the Maxville, Thompsonville and Springfield turnpike road company, then the said stockholders proceedings are hereby legalized as effectually as though they had proceeded under an act of incorporation; and the provisions of the charter of said company shall apply to them, and they are hereby incorporated as the Springfield and Pleasant Run turnpike road company, with the powers contained in said charter; and whenever they have completed two and one half miles consecutively, they shall have power to erect a gate and collect half toll, under the same regulations as if five consecutive miles were completed. This act to take effect from its passage.

Consolidation of two companies legalized.

Approved January 26, 1858.

CHAPTER 134.

AN ACT to amend the charter of the German Insurance Company of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the third section of an act to incorporate the German Insurance Company of the city of Louisville, passed and approved 9th March, 1854, be so amended as to read as follows: The Directors first selected shall continue in office until the first Monday in January, 1859, instead of 1855, as it now reads.

Approved January 26, 1858.

CHAPTER 135.

AN ACT to incorporate the Methodist Church at Clinton, Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. M. Hatch, James Spicer, H. Hays, Daniel Jackson, James Sublett, Samuel A. Irvine, Smith O. Robinson, and John Briars, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of the Methodist Episcopal Church at Clinton, in Hickman county; and by that name to have perpetual succession, with all the powers incidental to corporations, for the purposes of contracting and being contracted with, suing and being sued,

Corporator's names.

1858.

May hold real
estate, &c.Acts of commit-
tee legalized.

pleading and being impleaded, so far as may be necessary to protect and preserve the rights of said church.

§ 2. The said trustees shall have power to purchase and hold real estate to the value of two thousand dollars, to receive conveyances therefor, which property shall pass to them and their successors in office, for the use of said church; said trustees shall have power to sell and convey the property of the church, whenever made necessary by the interest of the same.

§ 3. That the acts of J. R. Dodge, B. M. Hatch, and R. W. Walker, a committee appointed by said church to contract for the building of the church, be and the same are hereby made legal and valid.

Approved January 26, 1858.

CHAPTER 136.

AN ACT to change the voting place in district No. 4, in Larue county

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the precinct or voting place in district number four, in Larue county, be and the same is hereby changed to the residence of Thomas N. Pace.

Approved January 26, 1858.

CHAPTER 138

AN ACT to amend the act chartering sundry Turnpike Road Companies, in Madison county.

Preamble.

Whereas, a part of the Commissioners named in the act, entitled, "an act to charter sundry Turnpike Road Companies, in Madison county," approved 26th of February, 1849, to receive subscription of stock in the Richmond and Big Hill Turnpike Road Company, did, in the year 1856, open books, and after the subscription of more than ten thousand dollars of the capital stock of the company, called a meeting of the stockholders, and proceeded to organize by the election of a President, four Managers, and Treasurer, and said President and Managers have proceeded to place under contract about ten miles of said road, most of which has been already completed; and whereas, doubts are entertained as to the legality of said organization, and the proceedings of said Board. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Organization of
company legal-
ized.

§ 1. That the organization of said company, and the proceedings of said board, shall be as valid and binding as if they had been in every respect in conformity with

1858.

the provisions of said act; and the said board now superintending the management of said road, shall hold their offices and discharge all the duties thereof until the first Monday in February, 1858, on which day the stockholders shall proceed to elect a President and five Directors, as prescribed by the act to which this is an amendment.

§ 2. It shall be lawful for said company to extend their road from the town of Richmond to the Cross Roads in Laurel county, at H. H. Scoville's; and in the construction and management thereof, and erection of gates and collection of tolls, shall have all the rights, powers, privileges, and immunities of the Richmond and Irvine Turnpike Road Company.

May extend their road, &c.

§ 3. It shall be lawful for said company to open a separate book for the subscription of stock, to so much of said road as lays between the terminus of fifteen miles, near Silas Newland's, (as fixed by the managers of said road,) and a terminus about one fourth of a mile beyond the house of Robert Cox, to be fixed by them; and when a sufficient sum is raised to build that part of said road, to put the same under contract, and when completed, to erect a gate at such point thereon as they deem proper, and collect the same rate of tolls thereat as at the other gates notwithstanding it may be less than five miles, and divide the net proceeds amongst the stock subscribed for the construction thereof.

May open books for subscription of stock.

§ 4 That whenever said company shall raise three thousand dollars, applicable to the construction of said road south of the point near Robert Cox's (mentioned in the 3rd section of this bill,) they may take possession of the gate erected thereon, appoint a gate-keeper, collect the present rates of toll, and apply the proceeds thereof to keeping the road in proper repair, from the forks of the road near John Pitman's, to the point on said road towards Richmond, to which said tolls are now applicable; and when the company may finish each five miles of said road, south from the point near Robert Cox's, they may erect a gate thereon, and collect the same rates of toll as at the other gates.

When stock subscribed, may take possession of gate, &c.

§ 5. That in the election of a President and Directors, required by the first section of this act, and such elections as may hereafter be held, no stockholder shall have the right to vote in person or by proxy who has failed to comply with the orders of the board in paying the calls on such stock as may have been subscribed by him.

Stockholders who have not paid, are entitled to vote.

§ 6. This act shall take effect from its passage.

Approved January 26, 1858.

1858.

CHAPTER 139.

AN ACT to incorporate the Alexandria Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Name and style.

§ 1. That a company be and is hereby incorporated as a body politic and corporate, in the county of Campbell, by the name and style of the Alexandria Turnpike Road Company, for the purpose of constructing a Turnpike Road from the limits of the town of Alexandria to the Pendleton county line, at or near Coleman Shaw's.

Capital stock.

§ 2. The capital stock of said company shall be forty thousand dollars, to be divided into shares of twenty-five dollars each: *Provided*, That if after an election of officers, as hereinafter to be directed, it shall be believed by a majority of the directors that said road can be constructed for a less sum than forty thousand dollars, and they shall be able to let out said road for a less sum than the capital stock aforesaid, then the sum for which said road is let as aforesaid, shall be its capital stock.

Books to be opened,

Commissioners, &c.

Obligation.

Books to be kept open.

Commissioners to call a meeting to elect officers.

Officers.

§ 3. Books for the subscription of said stock may be opened immediately after the passage of this act, in the town of Alexandria, Campbell county, under the direction of John Orr, F. Brown, R. T. Baker, Jas. H. Parker, and B. F. Riley, or some one or more of them; and at Persimmon Grove, under the direction of John W. Stephens, Jacob White, Thomas G. West, Thomas J. Daniel, Charles Dicken, and Coleman Shaw, or some one or more of them, all of whom are hereby appointed Commissioners for the purpose of obtaining subscription to said road; and said Commissioners shall procure a book or books, which shall contain the following obligation, to be signed by every person wishing to take stock in said company, viz: "We, whose names are hereunto affixed, do severally promise and bind ourselves respectively, to pay to the President, Directors, and company of the Alexandria turnpike road company, the sum of twenty-five dollars, for every share of stock set opposite our names, in such manner, at such times, and in such proportion, as shall be required by the President and Directors of said company."

§ 4. The books shall remain open till the sum of fifteen thousand dollars shall be subscribed, or until a sufficient amount be taken, as subscribed, to make five miles of said road.

§ 5. As soon as the Commissioners of said company, or a majority of them, shall be of opinion that a sufficient amount of stock shall have been subscribed for the construction of said five miles aforesaid, they may call a meeting of the stockholders, and hold an election for a President and five Directors, who shall hold their office for one year, and until other like officers shall be elected; and those directors shall appoint a Treasurer, and such

other officers as they may deem necessary; and the said Treasurer, before he enters upon the duties of his office, shall execute a bond to said company, with surety, to be approved by the directory, in the penalty of ten thousand dollars, conditioned that he will well and truly, in all things, perform the duties of his office, and whenever demanded by the directory, or its authorized agent, shall pay over all sums of money in his hands as Treasurer of said company; and he shall continue in office till the directory shall appoint another.

§ 6. That upon the election and qualification of said directors, they shall be a body politic and corporate, by the name and style of the Alexandria Turnpike Road Company, and by said name said company shall have perpetual succession, and all the privileges incident to a corporation of this kind, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, of purchasing and selling lands and tenements, as the same may be necessary in constructing said road; to sue and be sued, plead and be impleaded, to have a common seal, and generally do all things which may be requisite, and not contrary to the intention of this act.

§ 7. That the President and Directors, after their election, shall call upon the different stockholders for payment on their several subscriptions: *Provided*, That the first call shall not be over twenty per cent. on the amount subscribed, and may, at the discretion of said directors, be less: *And, provided further*, That all subscribers paying as much as twenty per cent., as aforesaid, at the first call, shall be entitled to a notice of forty days on any subsequent call.

§ 8. That every stockholder shall be entitled to one vote on each share subscribed and paid in by him, to the number of five, and for every five shares thereafter, one additional vote.

§ 9. That the written or printed certificate of the President, countersigned by the Secretary, shall be evidence of ownership of stock in this company, and the same shall be transferable on the books of the Secretary, in person, or by attorney, when all arrearages thereon shall have been paid, and not until then.

§ 10. That the President may call meetings of the Board of Directors at such times and at such places in Campbell county, as he may think proper, and in the absence of the President, a majority of the directors, as aforesaid, may make a President *pro tempore*.

§ 11. The said President and Directors shall have full power to pass all by-laws necessary to promote the interest of the stockholders, and to superintend the construction of said road.

§ 12. That said company may erect one gate whenever five miles of said road shall be completed, or may

1858.

When officers qualify, company is organized.

Calls on stock.

Stock—how voted.

Certificates of stock.

President may call meetings.

Board may make by-laws, &c.

1858.

When five miles
are completed,
to erect gate.

erect two gates, with half toll at each gate, upon the aforesaid five miles, according to the rates of toll hereinafter provided; and as said road progresses or may be finished, the said company shall be governed by the provisions of the 13th section of this act.

Rates toll.

§ 13. That the same rates of toll shall be allowed said company as are prescribed by an act, entitled, regulating tolls on turnpike roads, in which the Commonwealth of Kentucky is a joint stockholder, and for other purposes, approved February 25th, 1842.

Road to be made
in ten years.

§ 14. That the whole road shall be completed within the time of ten years, or the aforesaid charter shall be forfeited.

§ 15. The General Assembly reserves the right to repeal, alter, or amend this charter at pleasure.

Approved January 26, 1858.

CHAPTER 141.

AN ACT for the benefit of Samuel Thomas, of Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Samuel Thomas, former Sheriff of Monroe county, be and he is allowed the further time of two years, from and after the passage of this act, to collect his fee bills and arrears of taxes, and other fee bills due him as Sheriff aforesaid, and may distrain for the same, subject to the same rules and regulations as now govern other officers in the collecting fee bills, &c.

Approved January 26, 1858.

CHAPTER 142.

AN ACT to incorporate the Maxville and Pleasant Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That a company is hereby formed, under the name and style of the Maxville and Pleasant Run turnpike road company, for the purpose of constructing an artificial road from Maxville, in Washington county, to Pleasant Run, Marion county, to strike said Pleasant Run at or near the plantation of John W. Brown, on said Run, and to be continued from thence so as to intersect the Lebanon and Maxville turnpike road, or the Lebanon and Perryville turnpike road, as the company may judge best.

§ 2. The capital stock of said company shall be thirty-five thousand dollars, to be divided into shares of fifty dollars each, and if it shall be ascertained that the amount of capital stock is not sufficient to make the road, then the President and Directors may increase it to such an amount as may be necessary, and open subscription therefor in such way as they may deem proper.

§ 3. Books for the subscription of stock shall be opened on the 20th day of February, 1858, or as soon thereafter as may be convenient, at Maxville, under the direction of John M. Smith, John Bosley, Robert Reed, Samuel Peters, and Robert S. Mitchell; and at Lebanon, in Marion county, at the same time, under the direction of Green B. Mudd, John Shuck, and Thomas Durham; and at C. F. Bosley's house, under the direction of said Bosley, James Logan, and William Simpson, or some one or more of them at each place, all of whom are appointed Commissioners for said purpose. Said Commissioners shall procure a book or books, and the subscribers of stock to said company shall enter into the following obligation, in said book or books, to-wit: "We whose names are hereunto subscribed, severally promise to pay to the President and Directors and company of the Maxville and Pleasant Run turnpike road company, the sum of fifty dollars for each and every share of stock set opposite our names, respectively, agreeably to an act of the General Assembly of Kentucky incorporating said company. Witness our hands this day of 18 ." And, in case any person or persons wish to pay their stock in work on said road, they shall append to their subscription the following words: "To be paid in work on said road, at such time, and, in such manner, and at such valuation, as may be prescribed by the President and Directors of said company."

§ 4. All the sections of an act to incorporate the Danville and Hustonville turnpike road company, approved March 1st, 1844, from the fourth to the thirty-fifth sections, inclusive, are hereby, so far as applicable, adopted as part of this act, except so far as the same is hereby altered or changed.

§ 5. The President and Directors of said company shall have power to let out portions of said road to individuals who may agree to construct the same, and take their pay in stock: *Provided*, they do not agree to allow for the construction of the same more than the estimate cost of the engineer.

§ 6. That said company may use stone or gravel as they deem best, in the construction of said road.

§ 7. As soon as five continuous miles of said road may be constructed, the President and Directors may erect a toll gate.

1858.

Capital stock.

Books to be opened.

Commissioners, &c.

Charter of Danville and Hustonville road made part of this.

Officers—their power.

Materials.

May erect gate.

1858.

When company
to be organized.

§ 8. As soon as seven thousand five hundred dollars of stock shall be subscribed the said company may organize by the election of a President and six Directors, who may proceed to have surveyed and put under contract such part or parts of said road as they may deem proper, having due regard to the locality of the stock subscribed.

Subscribers may
pay in work.

§ 9. Individuals shall be allowed to subscribe, as stock in said company, that they will construct one mile, more or less, of said road and may designate the beginning point, and every such subscription shall be regarded for the purpose of making up the seven thousand five hundred dollars.

Publications.

§ 10. That all publications required to be made by this act, shall be made in the Lebanon Post, instead of the Danville Tribune.

Stockholders
exempt from
working roads.

§ 11. That any person taking stock to the amount of one hundred dollars, and who lives within ten miles of said road, shall have one hand exempt from working on any road in the county.

Road to be com-
menced in five
years.

§ 12. That if the construction of the road provided for by this act shall not be commenced within five years from the passage hereof, the rights, privileges, and immunities hereby granted, shall be void to all intents and purposes.

Width and
grade of road.

§ 13. That the width of the artificial part of said road shall not be more than thirty feet wide, and the portion of it covered with stone or gravel shall not exceed eighteen feet in width, and be fully nine inches in depth.

Name and style,
and powers.

§ 14. That said company shall be known by the name of the Maxville and Pleasant Run turnpike road company, and by that name may sue and be sued, and may purchase and hold, or receive gratuitous conveyances of real estate for road bed, toll houses, and appurtenances, quarries of rock, and gravel, so far and no farther than may be necessary to construct said road, erect gates, and make the same conducive to the interest of the company and the benefit of the public.

Approved January 26, 1858.

CHAPTER 143.

AN ACT to incorporate the Lebanon and Raywick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name
and style.

§ 1. That a company is hereby formed, under the name and style of the Lebanon and Raywick Turnpike Road Company, for the purpose of constructing an artificial road from Lebanon to Raywick, by the way of the depot of the Lebanon branch of the Louisville and Nashville

railroad, opposite Saint Mary's College, and keeping as near as practicable the route of the old road running from Lebanon to the depot opposite said College.

1858.

§ 2. That the capital stock of said company shall be thirty thousand dollars, to be divided into shares of one hundred dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors may increase it to such an amount as they may deem necessary, and open subscription therefor in such way as they may deem necessary.

Capital stock.

§ 3. Books for the subscription of stock in said company shall be opened on the 22nd day of January, 1858, or as soon thereafter as may be convenient, at the town of Lebanon, under the direction of L. A. Spalding, R. H. Roundtree, Edward H. Mattingly, Green Forest, and M. J. Cecil; and at the depot opposite said College, under the direction of John G. Mattingly, John Hagan, Samuel T. Ray, and James T. Mudd; and at Raywick, under the direction of J. M. Boarman, D. L. Gaves, W. R. Mitchell, James M. Miller, and John J. Kelly, or some two or more of them, at each place, who are appointed Commissioners. The said commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereto subscribed, severally promise to pay to the President and Directors and Company of the Lebanon and Raywick Turnpike Road Company, the sum of one hundred dollars for each and every share of stock set opposite our several names, and agreeably to an act of the General Assembly of Kentucky incorporating said company. Witness our hands this day of , 1858." And in case any person or persons wish to pay their stock in work on said road, they shall append to their names the following words: "To be paid in work on said road, at such times, and in such manner, and at such valuation, as may be prescribed by the President and Directors of the company."

Books to be opened, &c.

Commissioners

§ 4. All the sections of an act, entitled, an act to incorporate the Danville and Hustonsville Turnpike Road Company, approved March 1st, 1844, beginning at section four to the thirty-fifth section, inclusive, are hereby incorporated and made part of this charter, as far as applicable, as fully as if each section was fully written out and incorporated, section by section, in this act.

Charter of Danville and Hustonsville road made part of this.

§ 5. All the sections of an act incorporating the Lebanon and Maxville Turnpike Road Company, approved March 19th, 1856, beginning at the fifth section to the fourteenth section, are hereby incorporated and made part of this charter, with all the privileges, powers, rights, and immunities therein contained, so far as applicable.

Charter of Lebanon and Maxville road made part of this.

1858.

*Where road to
begin and end.

§ 8. The road is to be commenced at Lebanon, and run from thence towards Raywick; and as soon as five miles of said road is completed, the company may erect a toll-gate not less than one half mile of the town of Lebanon; and when said road is completed, they shall not erect a toll-gate in less than one half mile of the town of Raywick.

Approved January 26, 1858.

CHAPTER 144.

AN ACT to amend an act to incorporate the North Middletown and Levy Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of the act to incorporate the North Middletown and Levy Turnpike Road Company, approved January 19th, 1850, be and the same is hereby amended, so that instead of the commissioners therein appointed, F. W. Houston and James Horton are hereby constituted the commissioners for said road; and all that the said F. W. Houston and James Horton may have done, or may hereafter do, in discharging the duties enjoined upon the commissioners in said section, or in carrying out the spirit and intent of said act, shall be as valid and binding as though the same had been performed by the commissioners therein appointed.

§ 2. That the 10th section of said act be and the same is hereby amended, so as to authorize the President and Directors of said road to erect a gate on said road as soon as four miles are completed: *Provided*, The rates per mile for travel thereon shall not be different from that provided for in the eighth section: *And, provided further*, That the gate keeper be furnished by the President with suitable change for the accommodation of travellers.

§ 3. That the thirteenth section of said act be and the same is hereby amended, so as to include all children going to and from school among those exempt from paying toll on said road.

Approved January 26, 1858.

CHAPTER 145.

AN ACT for the benefit of the Sheriff of Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Felix Jarboe, Sheriff of Marion county, shall have till the 1st day of April next, to make out and return his delinquent list to the Auditor for the year 1856,

and when so returned, the Auditor is hereby directed to credit said Sheriff by the amount of said list.

1858.

§ 2. That said Sheriff shall be released from all damages, by his paying the balance of his revenue for the year 1856, with six per cent. interest and cost, on or before the first day of April, 1858.

§ 3. This act to be in force from its passage.

Approved January 26, 1858.

CHAPTER 146.

AN ACT to incorporate the Star Fire Company of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. Graham, President, James Heffner, V. P., Thomas S. Pettit, Treas., John J. Roberts, Sec'y., George T. Hodges, Assist. Sec'y., A. H. M'Clure, Engine Director, and their associates, are hereby created a body politic and corporate, by the name and style of the "Star Fire Company," and as such shall have perpetual succession, and may be capable in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court whatever.

Corporators.

Name and style.

§ 2. They shall have the right to purchase, take, and hold, a fire engine, hose, and the necessary apparatus and tools for the use and repair of the same; to sell and convey, and purchase other engines, &c. They may purchase and hold, in the city of Frankfort as much ground as will be required for a convenient engine house, and place to transact business; and it shall be their duty to organize themselves as a fire company, and keep an engine, hose, and necessary dependant apparatus for the extinguishment of fire, at all times in good order and repair; and on an alarm of fire, to repair to the same with their engine, &c., and use due diligence for the extinguishment of the same.

Powers and duties.

§ 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties, for the government of the company, and the preservation of the property of the same, as they may deem proper, not contrary to the laws of this State, or of the United States.

May make by-laws, &c.

§ 4. The management of the property of said company, and its government, shall be under the direction of a President, Vice-President, and five Directors, chosen at such time and place, and by such persons as the by-laws of said company shall direct; and they may have a Secretary and Treasurer. The members of said company shall not exceed one hundred.

Officers, their powers and duties.

Number of members.

1858.

¹Where road to
begin and end.

§ 6. The road is to be commenced at Lebanon, and run from thence towards Raywick; and as soon as five miles of said road is completed, the company may erect a toll-gate not less than one half mile of the town of Lebanon; and when said road is completed, they shall not erect a toll-gate in less than one half mile of the town of Raywick.

Approved January 26, 1858.

CHAPTER 144.

AN ACT to amend an act to incorporate the North Middletown and Levy Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of the act to incorporate the North Middletown and Levy Turnpike Road Company, approved January 19th, 1850, be and the same is hereby amended, so that instead of the commissioners therein appointed, F. W. Houston and James Horton are hereby constituted the commissioners for said road; and all that the said F. W. Houston and James Horton may have done, or may hereafter do, in discharging the duties enjoined upon the commissioners in said section, or in carrying out the spirit and intent of said act, shall be as valid and binding as though the same had been performed by the commissioners therein appointed.

§ 2. That the 10th section of said act be and the same is hereby amended, so as to authorize the President and Directors of said road to erect a gate on said road as soon as four miles are completed: *Provided*, The rates per mile for travel thereon shall not be different from that provided for in the eighth section: *And, provided further*, That the gate keeper be furnished by the President with suitable change for the accommodation of travellers.

§ 3. That the thirteenth section of said act be and the same is hereby amended, so as to include all children going to and from school among those exempt from paying toll on said road.

Approved January 26, 1858.

CHAPTER 145.

AN ACT for the benefit of the Sheriff of Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Felix Jarboe, Sheriff of Marion county, shall have till the 1st day of April next, to make out and return his delinquent list to the Auditor for the year 1856,

and when so returned, the Auditor is hereby directed to credit said Sheriff by the amount of said list.

1858.

§ 2. That said Sheriff shall be released from all damages, by his paying the balance of his revenue for the year 1856, with six per cent. interest and cost, on or before the first day of April, 1858.

§ 3. This act to be in force from its passage.

Approved January 26, 1858.

CHAPTER 146.

AN ACT to incorporate the Star Fire Company of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. Graham, President, James Heffner, V. P., Thomas S. Pettit, Treas., John J. Roberts, Sec'y., George T. Hodges, Assist. Sec'y., A. H. M'Clure, Engine Director, and their associates, are hereby created a body politic and corporate, by the name and style of the "Star Fire Company," and as such shall have perpetual succession, and may be capable in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court whatever.

Corporators.

Name and style.

§ 2. They shall have the right to purchase, take, and hold, a fire engine, hose, and the necessary apparatus and tools for the use and repair of the same; to sell and convey, and purchase other engines, &c. They may purchase and hold, in the city of Frankfort as much ground as will be required for a convenient engine house, and place to transact business; and it shall be their duty to organize themselves as a fire company, and keep an engine, hose, and necessary dependant apparatus for the extinguishment of fire, at all times in good order and repair; and on an alarm of fire, to repair to the same with their engine, &c., and use due diligence for the extinguishment of the same.

Powers and duties.

§ 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties, for the government of the company, and the preservation of the property of the same, as they may deem proper, not contrary to the laws of this State, or of the United States.

May make by-laws, &c.

§ 4. The management of the property of said company, and its government, shall be under the direction of a President, Vice-President, and five Directors, chosen at such time and place, and by such persons as the by-laws of said company shall direct; and they may have a Secretary and Treasurer. The members of said company shall not exceed one hundred.

Officers, their powers and duties.

Number of members.

1858.

§ 5. The right to alter or amend this act is reserved to the General Assembly.

Approved January 26, 1858.

CHAPTER 147.

AN ACT to incorporate the Pleasant Hill and Jessamine Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name
and style.

Capital stock.

§ 1. That a company is hereby constituted a body politic and corporate, under the name and style of the Pleasant Hill and Jessamine Turnpike Road Company, with a capital stock of twenty thousand dollars, to be divided into shares of fifty dollars each, for the purpose of making an artificial Macadamized turnpike from Pleasant Hill, in Mercer county, to some suitable point on the Harrodsburg and Lexington turnpike, in Jessamine county, and to cross the Kentucky river at or above Curds' ferry, near the bridge towers of the bridge known as the "Clay Viaduct," on the Lexington and Danville railroad; and by that name shall be competent to sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; to acquire, hold, and possess all such real and personal estate as may be necessary for the site or route of said Pleasant Hill and Jessamine Turnpike road, for piers and abutments of all such bridges as may be required on said road; also all necessary stone, gravel, sand, earth, and timber necessary for the construction and repair of said road, and a sufficient quantity of land for the dwelling places of keepers of toll-gates; to have a common seal, and alter the same at pleasure; and to make such rules and by-laws as may be necessary for the construction, management, and use of said road, and the prudent and efficient management of its affairs.

Width of road,
&c.

Commissioner's
names.

§ 2. That the width of said road shall not, at any point where it will admit of it, be less than thirty feet, and the metal part thereof shall not be less than fifteen feet wide.

§ 3. That John R. Bryant, Wm. J. Moberly, W. B. Vivion, and William Hutchison, of Mercer county; and James H. Lowery, Brown Young, Lewis Walters, John Jones, John Bradshaw, R. S. Curd, James Douman, Jerome Sparks, Thomas Hoover, Jacob Wilmore, Ehprain Drake, Nimrod Noe, of Jessamine county, be and they are hereby appointed commissioners to open books for the subscription of the stock aforesaid, at such times and places as any three or more of said commissioners may deem expedient; and the subscribers to the stock of said company shall enter into an obligation as follows in the books of said commissioners: "We, whose names are

1858.

hereunto subscribed, promise to pay the President, Directors, and Company of the Pleasant Hill and Jessamine Turnpike Road Company the sum of fifty dollars for each share of stock by us subscribed and set opposite our respective names, in such proportions, and at such times, as shall be required by said corporation."

§ 4. That when five thousand dollars of said stock have been subscribed, said commissioners, or a majority of those acting, may call a meeting of the stockholders to assemble at the suspension bridge towers in Jessamine county, at such time as they may think proper, having first advertised in the newspaper published in Harrodsburg, and at the court house door in Jessamine county, and at Mount Freedom meeting house door; and the stockholders, in pursuance to said call, shall proceed in person, or by written proxy, to choose a President and four Directors, in whom shall be vested all the powers of the corporation for the construction and management of the prudential and financial concerns of said road. Said stockholders shall also elect a Treasurer, and may require bond, with security, from him, for the faithful performance of his duties. Each share of stock shall entitle the owner thereof to one vote; and after the board of Directors has been organized, as is above provided, an annual election of President and Directors shall be held on the first Monday in April, in each and every year: *Provided*, the stockholders may change the time of their annual meeting, a majority of the whole number of votes concurring. No person shall be eligible to the office of President or Director unless he be a stockholder, and shall vacate his office on ceasing to be one. The said board may fill any vacancy that may occur by appointment, until the next annual election.

When meeting
to be called.

Elections of
officers, &c.

§ 5. That all corporations and companies may, and they are hereby authorized, to take stock in said turnpike road company, under such regulations as the President and Directors may direct; and if it shall be ascertained that the capital stock of said turnpike is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such an amount as they may deem necessary, and open subscriptions therefor in such manner as they may deem proper.

Other companies
may take
stock.

§ 6. So soon as said company is organized, the President and Directors shall possess all power to lay out the route for said road, and acquire land therefor which is usually possessed by turnpike road companies; but said road shall be commenced within three years after the passage of this act, else this charter shall be forfeited.

When company
is organized,
powers of officers,
&c.

§ 7. Whenever five continuous miles of said road shall be completed the company may erect a toll-gate and and charge toll thereat, and also an additional toll-gate,

When gate may
be erected, &c.

1858.

Rates of toll.

and charge toll thereat, for every additional five miles of said road: *Provided*, That the first four miles extending from Pleasant Hill towards Lexington, shall authorize a gate for the first two and a half miles in said direction, half a gate exclusive of ferriage: *Provided, further*, That if said company shall erect a good and sufficient bridge across the Kentucky river, they shall be allowed the same tolls as those paid for crossing the bridge over said river on the turnpike road from Lexington to Danville.

Approved January 26, 1858.

CHAPTER 148.

AN ACT for the benefit of Thomas Linley, of Livingston county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all the right, title, and interest which the State of Kentucky now has, or might have, in and to the estate left by a free negro called and known by the name of Doctor Farley, of Crittenden county, by reason of escheat for want of legal heirs, or otherwise, be and the same is hereby released in favor of Thomas Linley, of Livingston county, he being the owner of the children and of the grand children of said Farley. This act to take effect from its passage.

Approved January 26, 1858.

CHAPTER 150.

AN ACT to incorporate the Raywick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name
and style.

§ 1. That a company is hereby formed into a body politic and corporate, under the name and style of the Raywick turnpike road company, for the purpose of constructing an artificial or turnpike road from Chicago depot, on the Lebanon branch of the Louisville and Nashville railroad, to Campbellsville, passing through Raywick; and also to construct and build a bridge across the Rolling fork, on said road, at or near Raywick.

Capital stock.

§ 2. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each. Books for the subscriptions of stock in the company shall be opened on some day, as soon as practicable after the passage of this act, at the town of Raywick, under the direction of Richard Ray, Geo. W. Goodrum, Dr. W. K. Mitchell, Lloyd Thompson, John Cecil, Jo. M. Boardman, W. K. Thompson, Jefferson Miller, J. M. Miller,

Books to be
opened.

Commissioners.

1858.

Arnold Bicket, and James Tyler, who are appointed Commissioners herein for that purpose; any two or more of them can act. They shall procure a book or books in which they shall write in substance the following covenant for the stockholder to subscribe, to-wit: "We, whose names are hereunto subscribed, severally promise to pay to the President, Directors, and company of the Raywick turnpike road company, the sum of fifty dollars for each and every share of stock set opposite our names, and in such sums, and at such times, as may be required by the Board of Directors. Witness our hands this day of

§ 4. Any person desiring to subscribe stock to be paid in the construction of a portion of the said road, can do so by specifying over his name on the subscription book, the portion of the road he undertakes to build, and that he will do the same at the estimate of the engineer of the road, and complete the same in the time given to contractors of other portions of the road.

Stock may be paid for in work

§ 5. That the company can use stone or gravel, or both, in the construction of the road, as they elect.

May use either stone or gravel.

§ 6. Whenever there shall be subscribed on the books of the company three thousand dollars. The said Commissioners, or any two or more of them, are authorized to call a meeting of the stockholders for an election of officers, which shall be held in the town of Raywick; after a notice of ten days being given by written advertisements at three of the most public places along the proposed route for said road; at which meeting the stockholders shall elect a President and six Directors, who shall hold their office for one year or until their successors are duly elected and qualified.

Meeting to be called.

Officers.

§ 7. That the President and Directors shall have power to appoint a Treasurer, Clerk, Engineer, and such other officers as may be necessary; and it shall be their duty to fix a time and place for the annual elections of the company.

Treasurer.

§ 8. The President and Directors, as soon as they are qualified, may proceed to have surveyed the said proposed road or such part thereof as they may think proper beginning at Chicago, and put the same under contract; and as soon as five miles of the road is completed, or the same is completed from Chicago to Raywick, they may have power to erect a toll gate and receive toll; but no such gate shall be erected in less than one-half mile of Raywick.

President and Directors to have the road surveyed, &c.

§ 9. That all the sections of an act, entitled, an act to incorporate the Danville and Hustonville turnpike road company, approved March 1st, 1844, beginning at the fourth section to the thirty-fifth section, inclusive, are hereby incorporated and made part of this charter, with

Charter of the Danville & Hustonville road made part of this.

1858.

all the privileges and* powers, rights and immunities therein contained, so far as the same is applicable, except as the same may be inconsistent with this charter.

Road to be commenced in five years.

§ 10. That if the construction of the road is not commenced in five years from the passage hereof, this act is to expire and be of no force.

Company may build a bridge, &c.

§ 11. That said company have the power to build a bridge across the Rolling fork, near Raywick, on said road, and when so built, to charge the same toll as at a gate for five miles of road.

Publications, &c.

§ 12. The publications which are required to be made by the company in a newspaper, shall be made in the Lebanon Post, or some paper that may be published in Marion county.

Approved January 26, 1858.

CHAPTER 151.

AN ACT for the benefit of the County Clerk of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Clerk of the Morgan County Court be allowed the further time of two years to list his unlisted fee bills from the years 1851 to 1855, inclusive, subject, however, to all the laws now in force for illegally issuing of fee bills, or distraining for the same. This act to take effect from its passage.

Approved January 26, 1858.

CHAPTER 152.

AN ACT allowing the County Court of Estill county to lay an additional *ad valorem* tax on the property in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Estill county, a majority of the Justices of the Peace being present, is hereby authorized to levy an *ad valorem* tax upon the taxable property of the county subject to revenue taxation, for the purpose of building a jail—said tax to be collected by the Sheriff of Estill county at the same time and manner he collects the other revenue tax for 1858; and the presiding judge of the County Court is authorized to convene the County Court at any time after the passage of this act, to lay the aforesaid tax. This act to take effect from its passage.

Approved January 26, 1858.

CHAPTER 153.

1858.

AN ACT for the benefit of R. P. Fox and Galen White, of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Richard P. Fox and Galen White, of Madison county, may and they are hereby authorized to sell and dispose of any negro or negroes which may have been brought by them into this State prior to the 28th of December, 1857.

Approved January 26, 1858.

CHAPTER 154.

AN ACT for the benefit of John J. Miller, of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years, from and after the passage of this act, is hereby allowed John J. Miller, late Sheriff of Boone county, to collect his uncollected taxes and fee bills, subject, however, to the same pains and penalties as Sheriffs are for collecting illegal fee bills, &c.

Approved January 26, 1858.

CHAPTER 155.

AN ACT to incorporate the Bardstown and Chaplinton Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed, and created a body politic and corporate, by the name and style of the "Bardstown and Chaplinton Turnpike Road Company," for the purpose of making a turnpike road from Bardstown to Chaplinton, in Nelson county, and they may continue the road on to the county line.

Corporate name and style.

§ 2. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. That books for the subscription of stock shall be opened by James Woods, Green Duncan, W. W. Metcalfe, Patrick Bowman, and James Nichols, who are hereby appointed Commissioners for said purpose, at such times and places as they, or a majority of them, shall deem proper. When the sum of twenty-five thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of the commissioners named in this section, to give notice in such manner as they may think proper, for a meeting of the stockholders,

Commissioners' names.

1858.

Meeting to be called.

at such time and place as the notice may specify, for the purpose of electing a President and five Directors; one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the President and Directors, and a majority of the board shall be competent to transact business.

When company is organized.

§ 4. So soon as said company is organized by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name and style of the "President and Directors of the Bardstown and Chaplintown Turnpike Road Company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking or holding by purchase or gift, all such lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of their work, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity, or elsewhere; also, to have and use a common seal, and generally to do all and any act, matter, or thing which a corporation may lawfully do, to effect the objects for which this corporation is created.

Powers.

Width and grade of road.

§ 5. Said President and Directors shall fix and regulate the elevation and grade of said road, the width and the part thereof to be covered with stone or gravel; shall designate the points at which the road shall enter the limits of Bardstown and Chaplintown; shall designate places for the erection of toll gates: *Provided*, Their first toll gate shall not be within a less distance than one mile from the court house in Bardstown, nor within a distance of less than five miles of each other; may fix the rates of toll, may regulate and change the same, but said rates shall not exceed those prescribed by the general law. The President and Directors shall have power, after three consecutive miles shall have been completed, to erect a gate and collect toll, and shall apply the proceeds thereof to the completion of the road.

Lands and materials, &c.

§ 6. The President and Directors, with their surveyor, engineers, artists, and chain carriers, are hereby authorized and empowered to enter in and upon the lands and enclosures, public roads, and highways, in through, and over which the intended road may pass, and to examine and survey the ground most proper for that purpose; to examine quarries or beds of stone, gravel, or other material necessary for the construction of said road.

§ 7. It shall be lawful for the Presidents and Directors, with their superintendents, engineers, and workmen,

with their tools, instruments, carts, wagons, and other carriages, and their beasts of draught or burthen, to enter upon the land, in and over, contiguous and near to which shall pass, having first given notice of their intention to the owner and occupiers thereof, or their agents: *Provided*, That if the President and Directors shall not agree with the owners of the land, through which said road is to pass, as to the damages which the owners may sustain by the road passing through their lands, the President and Directors shall apply to the County Court of Nelson county for a writ of *ad quod damnum*, to assess the damages which may be sustained by the owner of said land; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages, by the establishment of said road; but the advantages shall not be used as an offset to the value of the so taken; and upon the payment, or tender of the damages so assessed, it shall be lawful for the President and Directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road.

1858.

Damages, &c.,
how assessed.

§ 8. The President shall give notice in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall neglect to pay his amount of stock so called for, for the space of thirty days after the time of payment, such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month for every delay of payment; and if he shall fail to pay the amount of call, and the penalty aforesaid, for the space of six months after the time of payment is required, he shall forfeit such share or shares to the corporation, together with the amount he may have paid thereon: *Provided*, That no stockholder shall vote at any election, or be entitled to any rights of a member of said company, unless the whole amount due and payable, as aforesaid, on each share by him held, shall have been paid agreeable to the requisitions of the President.

Calls on stock.

§ 9. The President and Directors shall appoint a Treasurer, and such other officers as they may deem necessary, with such compensation for their services as the President and Directors may deem just, who shall hold their respective offices for one year, and until their successors shall have been appointed and qualified. The Treasurer of said company, and the keepers of the different gates, before they enter on the duties of their offices, shall give bond and security in such penalty as the President and Directors may require, payable to them, conditioned to pay over any amount in their hands, to the order of the President and Directors.

Treasurer
appointed.

1858.

Penalty for going round gale, &c.

§ 10. If any person shall go around or turn off from said road, with the fraudulent intent of avoiding the payment of toll as fixed by the President and Directors, he or they shall, on conviction thereof before a Justice of the Peace of Nelson county, be fined five dollars, to be collected as other sums within the jurisdiction of the Commonwealth.

Nelson County Court may subscribe stock.

§ 11. The County Court of Nelson shall have power, a majority of the justices concurring therein, to subscribe a sum not exceeding five hundred dollars per mile to the capital stock of said road, to be regarded as other stock.

Approved January 26, 1858.

CHAPTER 156.

AN ACT to incorporate the Madison Female School.

Preamble.

Whereas, a number of persons in Madison county, Kentucky, have associated themselves together for the purpose of establishing a Female School in the town of Richmond, and have subscribed money for the purchase of land and the erection of buildings suitable for that purpose, and have elected William Chenault, Samuel Stone, William J. Walker, William Holloway, Robert R. Stone, John A. Duncan, William H. White, Thomas S. Moberly, Clifton R. Estill, Thomas S. Bronston, Jr., William Harris, and Thomas H. Barnes, as Trustees to conduct the same. Therefore, to legalize said association, and to promote its object,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporator's names.

§ 1. That William Chenault, Samuel Stone, William J. Walker, William Holloway, Robert R. Stone, John A. Duncan, William H. White, Thomas S. Moberly, Clifton R. Estill, Thomas S. Bronston, Jr., William Harris, and Thomas H. Barnes, and their successors, be and they are hereby constituted a body corporate, under the name and style of the "Madison Female School;" and by that name they shall have perpetual succession, with power to adopt and use a common seal, and change the same at pleasure; to make contracts for the benefit of the institution; to sue and be sued, to receive and hold such real and personal property as may be donated to the school or purchased for its use; to appoint teachers; to confer literary degrees; and to make such by-laws, rules, and regulations as, in their judgment, may be necessary for the successful management of the school, and to admit boys under ten years of age as pupils, should they deem it expedient to do so.

Corporate name and style.

Powers.

§ 2. The stock subscribed for the purchase of land, erection of buildings, &c., shall be divided into shares of one hundred dollars each; and each stockholder shall be entitled to one vote for each share so subscribed, but said vote must, in all cases, be cast by the stockholder in person and never by proxy.

§ 3. The names of the stockholders, with the amount of their stock, shall be entered in a book kept for that purpose, by the Secretary, and no stock shall be transferred from one person to another, except the transfer be made upon said book, and with the consent of a majority of the whole number of the remaining stockholders, expressed in open meeting; nor shall any one person ever own, at any one time, more than twenty shares, unless said person shall subscribe and pay the same, and to such subscription no limit shall be fixed.

§ 4. The officers of this association shall consist of twelve Trustees, who shall appoint from themselves a President, a Secretary, and a Treasurer.

§ 5. The Board of Trustees shall be elected by the stockholders, and shall serve six years, except as provided in section 6; and each Trustee shall have one vote.

§ 6. Immediately after the first election the Trustees shall assemble, and shall be divided into three classes of four each, and of these the powers of the first class shall expire in two years, the second in four years, the third in six years: *Provided*, that the functions of the first board elected shall continue as if they had been elected on the first Saturday in October, 1857.

§ 7. The stockholders shall meet together on the first Saturday in October, 1859, for the purpose of filling the vacancies created in the Board of Trustees by the expiration of the term of the first class, and biennially thereafter, on the corresponding day of that month, for similar purposes; but if at any time a majority of the stockholders shall not appear at such meeting, then the vacancies shall be filled by the Board of Trustees; and vacancies created by death or resignation shall be filled by the Board of Trustees.

§ 8. The President of the Board of Trustees, the Secretary, and Treasurer shall hold office for two years: *Provided*, that the terms of those first elected shall not expire until the first Saturday in October, 1859, but either shall be removable by a vote of two-thirds of the whole board.

§ 9. It shall be the duty of the President of the Board of Trustees to keep the buildings insured and repaired at the expense of the principal of the school, but no rent shall ever be exacted more than is necessary for these purposes, or for such changes or additions as may be necessary.

1858.

Capital stock, &c.

Stock, how subscribed and transferred.

Trustees.

Term of office.

Meeting of Trustees, &c.

Meetings of stockholders.

Term of office of officers.

Buildings to be insured and kept in repair.

1858.

Where the vote
is in Trustees.

§ 10. All real estate purchased by this association shall be vested in the Trustees and their successors, and shall be forever held for the purposes of education; and shall never be diverted to any other use whatever.

How meetings
of stockholders
may be called.

§ 11 The President of the Board of Trustees, or any three Trustees, or any ten stockholders, shall have power to call the stockholders together whenever they may consider it necessary, but such call must be published in the newspapers at least one month previous to the meeting; and a majority of the stockholders shall be necessary to constitute a quorum to transact business.

§ 12. *Provided, further*, that the Board of Trustees, or any part thereof, may be at any time removed by a meeting of the stockholders, called in accordance with this charter.

Approved January 26, 1858

CHAPTER 157.

AN ACT changing the place of voting in District No. 4, in Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in District No. 4, in Bullitt county, be and the same is hereby changed from the house of John F. Crist, in said district, to Mrs. Leach's, in same district.

§ 2. This act to take effect immediately after the special election for Circuit Judge, in January, 1858.

Approved January 26, 1858.

CHAPTER 158.

AN ACT to establish an additional voting place in Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act all the legal voters in Clear Creek District, of Knox county, residing north of the top of the Pine Mountain, shall vote at the Greasy Creek Meeting House, in said district, and not elsewhere; and that the County Court of Knox county shall, at the proper time, appoint proper officers of election for said voting place, who, at all elections therein, shall be governed by the laws in force for the time being, in relation to elections.

Approved January 26, 1858.

CHAPTER 159.

1858.

AN ACT to incorporate the Highland Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Payne, John T. Berry, John B. Payne, Wm. S. Philips, Wm. J. Payne, Geo. B. Payne, Hezekiah Payne, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the "Highland Coal Company," and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; and also ordain, establish, and put into execution any and all by-laws, rules, and regulations which they may deem proper, from time to time, for the management and government of the concerns of the said company, not inconsistent with this act, or with the constitution and laws of this State, or of the United States.

Corporators.

Corporate name and style.

Powers.

§ 2. That said company shall have power to appoint any one or more of its members, or other person or persons, to manage, contract, and direct the business of said company, according to the rules, by-laws, and regulations of said company.

Company may appoint agents.

§ 3. That the business of said company shall be the mining, transporting, and selling of stone coal and other minerals; and for that purpose they may purchase, receive, rent, hold, enjoy and convey real estate, minerals, boats, mining privileges, and rights of way, and erect suitable buildings, railroads, depots, and fixtures.

Business.

§ 4. That the capital stock of said company shall not exceed two and a half millions of dollars, which shall be subscribed for, divided into shares, and paid for in such manner, as said company may prescribe by their by-laws.

Capital stock.

§ 5. Certificates of stock shall be issued as the by-laws may direct; and the stock shall be regarded as personal estate, and shall be transferrable on the books of said company, in person or by attorney, but the company shall have a lien on the stock of any and all stockholders for any debt he may owe to the said corporation.

Certificates of stock.

§ 6. That said company shall cause a book to be opened and kept subject at all times to the inspection of any member of said company, which shall contain all the names of all the members, and the estimated share of stock which each member may own and the amount paid thereon; and each member shall share the profits, and be liable for the losses, of said company to the extent of and in proportion to the amount of his capital stock owned in said company.

Records to be kept.

§ 7. That said company may, by its agents or officers, apply to the proper authority, and procure the right of

1858.

Company may
purchase the
right of way, &c.

way from any coal mines in Union county, to the Ohio river or Highland creek, over or under the lands of other persons. in the same way that individuals may do under existing laws; and moreover, said company, having leased for a term of years, any coal lands or mining privileges thereof, and having mined or worked such lands either owned or leased by them, they, the said company, may apply to the Union County Court and obtain a right of way through the lands so worked, to enable them to pass from the land back to their railroads running to the river, passing through said land so worked, through and along the entries and tracks made by them, or over said land, as said company may deem best; and the proceedings for procuring this latter right of way shall be in all respects conformable to those prescribed by law for a right of way to the river.

Real estate, how
conveyed.

§ 8. That said company may direct how and whom any real estate, or other property owned by them, shall be sold and conveyed.

May turn tenants
out of possession,
&c.

§ 9. That should any tenant of said company refuse to give up the possession of any tenement belonging to said company at the end of the time for which said tenement may have been rented, it shall be lawful for one of said company to go before a Justice of the Peace of Union county and make oath of the time for which said tenement was rented, and that said tenant refuses to give up possession, on which being done, it shall be the duty of said Justice of the Peace to issue a warrant directed to the Sheriff or Coroner or any Constable of Union county, commanding him forthwith to turn said tenant out of possession, and place said company in possession of said tenement.

§ 10. The Legislature reserves to itself the right to amend, alter, or repeal this charter at pleasure.

Approved January 26, 1858.

CHAPTER 160.

AN ACT to incorporate the Kentucky Moseley Iron Bridge Erecting Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That Edward B. Bartlett, Thomas W. H. Moseley, Joseph Bondurant, Leslie Combs, James O. Harrison, and John P. Winston, or any four of them, their associates, successors, and assigns, be and they are hereby constituted and created a body politic and corporate, by the name and style of the "Kentucky Moseley Iron Bridge Erecting Company;" and by that name and style have perpetual succession, for the purposes of manufacturing, selling,

Corporate name
and style.

1858.

and erecting "Moseley's Tubular Wrought Iron Arch Bridge," or to sell the right to manufacture, sell, and erect the same to others, in the State of Kentucky; and the said corporation, by the said name, is hereby declared and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, and the same to alter at pleasure; to make rules and by-laws for the regulation and management of said corporation, consistent with the laws of this Commonwealth and the United States, and generally to do and execute for the well being of said company, whatsoever shall lawfully pertain to such bodies politic.

§ 2 That said company shall have the right to hold, by purchase or lease, any and all such lands, tenements, and appurtenances, buildings, rights of way, real, personal, and mixed property, as they may deem necessary for the well being and advantage of said company, and the same, or any part thereof, to use, occupy, sell, lease, let, or otherwise dispose of, as the directors, or company may, from time to time see proper.

May hold real estate.

§ 3. The affairs of said company shall be managed by at least five Directors, to be chosen annually from the stockholders. The first election shall be held at such time and place as a majority of the incorporators named in this act shall determine, of which election public notice shall be given at least two weeks prior thereto, in one newspaper in the city of Louisville, one in the city of Lexington, and one in the city of Covington; and by written notice, by mail or otherwise, to each of the shareholders; and the subsequent elections shall be held annually, at such time and place as the directors from time to time may fix and determine, of which election notice shall be given in such manner as the directors shall deem proper: *Provided*, The proper care and means shall be taken to notify the shareholders of such election, and due time given to such shareholders to attend such election; and that such election shall be held always in the State of Kentucky: *And, provided*, That in the event of a failure to elect the former directors may continue in office, and shall transact business until their successors shall be elected and undertake to perform the duties of their office: *And, provided further*, That if the said Board of Directors shall wilfully or otherwise refuse or neglect to give notice, as herein required for such election, any ten shareholders may proceed to give such notice, and the shareholders may proceed to elect a Board of Directors as though said election had been ordered by the Board of Directors as herein before required, which Board of Directors, so elected, shall hold their offices until the day of the annual election fixed originally by the incorporators, or until their successors are elected and enter upon their respective duties.

Board of Directors.

Elections.

Notice of elections.

1858.

Elections—how
held.

§ 4. That the election for Directors shall be held by ballot, or *viva voce*; and each stockholder shall be entitled to one vote for each share of stock held by him or her, and standing to his or her credit upon the books of the company: *Provided*, That no share shall confer the right of voting which shall have been transferred within one calendar month prior to the day of such election, nor unless it be *bona fide* held or owned by the person or persons in whose name or names it appears upon the books of the company or in the right of his wife, or as executor, administrator, trustee, or guardian, or in the right, or for the use of a co-partnership, society or corporation of which he or she may be a member; and all votes by proxy shall be regulated by the rules and by-laws of the company; and said stock shall be deemed and held as personal property, and transferable in such manner as said company shall determine and direct.

President to be
chosen.

§ 5. That the Directors shall, as soon as convenient after their election, choose one of their number as President, to serve for one year, or until his successor shall have been elected. They shall also have power to appoint a Treasurer for said company, who shall hold his office for one year, or during the pleasure of the Board of Directors; and the Treasurer, so appointed, shall, before entering upon the duties of his office, give, or enter into bonds to the company, in such sum or sums, or with such security as the directors shall determine, conditioned for the faithful and proper discharge of all the duties of his office as Treasurer, and the payments of all moneys required by him, in such manner as the directors may determine. They shall also have power to appoint, during their pleasure, and as occasion may require, all other officers and agents of the company, and to confer upon them such power and authority as they may deem the interest of the company may require, and to supply all vacancies in the Board of Directors, or of the Treasury, arising from death, resignation, or otherwise, until the next election; at all meetings of the Board of Directors three shall form a quorum to transact business of the company.

Company may
subscribe stock
in bridges.

§ 6. The company shall have power to subscribe stock to any toll bridge to be built by said company, after the plan of "Moseley's Tubular Wrought Iron Arch Bridge:" *Provided*, That any amount, so subscribed, shall be of moneys or assets belonging to said company after the regular dividend shall have been made of ten per cent. per annum of the capital of said company to the shareholders, or provision made for the same, and also five per cent. set apart as a sinking fund or reserve fund, for the general use and protection of said company against contingencies.

1858.

§ 7. Dividends shall be made semi-annually, after the election of the Board of Directors: *Provided*, That no semi-annual dividend shall be made until the expiration of the first year.

§ 8. The capital stock of said company shall be thirty thousand dollars, which may be increased to fifty thousand dollars after the expiration of one year from the date of the first election of the Board of Directors, the stock to be fifty dollars each share.

Capital stock.

§ 9. The corporators may contract with and appoint solicitors of stock, until the amount of said stock subscribed shall be seventeen thousand dollars, and allowances shall be made to such solicitors for such services rendered, an amount not exceeding ten per cent. on the amount so solicited and subscribed. And when the said seventeen thousand dollars shall have been subscribed, the corporators shall order an election of a Board of Directors, as provided for in the 2d section of this act.

May appoint agents.

§ 10. If the day fixed and appointed by the corporators for the annual election of directors is one inconvenient, or not satisfactory to the shareholders, the shareholders may, by a vote of a majority of shares of stock actually voted, fix the day of such annual election: *Provided*, That the day so fixed shall not be at so short a period as to prevent the directors already elected, from serving at least nine months as such directors.

Annual elections, &c.

§ 11. Not exceeding ten per cent. of the amount of stock subscribed shall be called in collection, monthly, by the directors; and all scrip and certificates of stock shall bear six per cent. per annum, until dividends are made by the directors of the company.

§ 12. The said corporation may be dissolved at, and by a general meeting of the shareholders, specially summoned for the purpose: *Provided*, That at least three-fourths, in value, of the shareholders shall be present, or represented therein; and upon such dissolution, the directors for the time being, and the survivors of them, shall be trustees, to act in conjunction with others appointed by the said shareholders, to settle the affairs of said corporation, disposing of its effects, receiving its claims and paying its debts, and dividing its surplus among the shareholders in proportion to their respective interest in the stock; and said trustees shall receive, for such services, the same compensation that the Board of Directors receive for their services as directors of said corporation.

How company may dissolve.

Approved January 26, 1858.

1858.

CHAPTER 161.

AN ACT to incorporate the Campbell County Agricultural Society.

Preamble.

Whereas, on the seventh day of June, 1856, the Campbell county Agricultural Society organized itself into a corporation, under the act of the General Assembly of this Commonwealth for the purpose of forming voluntary associations, and purchased real estate, and made various contracts for the erection of buildings, and other acts for the promotion of Agricultural and Mechanical pursuits; and whereas, doubts have arisen whether said organization is authorized by the act aforesaid. Now therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That Benjamin Smith, Alexander Caldwell, John T. Parker, Thomas L. Jones, Samuel M'Intosh, Samuel Wright, Benjamin F. Riley, Henry Blattner, Edward Morin, Frederick Brown, Daniel Pollock, Benjamin Beall, Samuel Smith, and Foster Byrd, together with their associates and successors in office, be and hereby are created a body politic and corporate, under the name of the "Campbell County Agricultural Society," with full power to contract and be contracted with, sue and be sued, plead and be impleaded; have a corporate seal, and the same to alter or renew at pleasure; and ordain and execute such by-laws for said society as they may deem just and proper: *Provided*, the same be not inconsistent with the constitution and laws of this State, or of the United States.

Capital stock,
&c.

§ 2. That the capital stock of said society shall be five thousand dollars, with the privilege to the stockholders to increase the same to any sum not exceeding twenty thousand dollars, which stock is to be divided into shares of twenty dollars each; and no person shall subscribe for or hold more than two shares, unless this provision is changed by a vote of a majority of the stockholders.

May hold real
estate, &c.

§ 3. The said corporation shall be capable of acquiring by purchase or otherwise, any quantity of land not exceeding fifty acres; and it may improve the same, or any part thereof, at pleasure. It may also acquire, hold, and dispose of such personal estate as its President and Directors may deem necessary and proper: *Provided*, the entire real and personal property of said society shall at no time exceed twenty thousand dollars in value.

Officers—their
powers and du-
ties.

§ 4. That the prudential, financial, and other concerns of said society, together with all its estate of any kind, shall be under the control of a President, Vice President, Secretary, Treasurer, and ten Directors—a majority of whom shall constitute a quorum—all of whom shall be elected annually by the stockholders. Said society shall have power to require of the Secretary and Treasurer, or

either of them, bonds for the faithful performance of their duties: *Provided*, that the officers and Directors of said society, elected by the stockholders under their former organization, shall continue in office until the next annual election, to-wit: on the fourth Saturday in November, 1858.

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§ 5. That said President, Vice President, Secretary, Treasurer, and Directors, a quorum being present, he and hereby are empowered to eject from their fair grounds, all persons who may scale the enclosure of their grounds, and all disorderly, lewd, and obnoxious persons, whose presence they may deem detrimental to the interests, peace, and good order of the fair; and should any person, so ejected, re-enter said grounds without the consent of such officers, a quorum being present, he shall be fined in a sum not exceeding thirty dollars, or imprisoned not exceeding fifteen days, or both so fined and imprisoned, at the discretion of the jury.

Officers may expel disorderly persons, &c., from grounds.

§ 2. That this act shall take effect from and after its passage.

Approved January 29, 1858.

CHAPTER 163.

AN ACT to equalize the county levy in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act section 5, of article 3, chapter 26, of the Revised Statutes, shall not apply to the county of Henry.

Approved January 30, 1858.

CHAPTER 165.

AN ACT remunerating Wm. L. Sutton, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of five hundred dollars is hereby allowed Dr. William L. Sutton, for his own services in making registration reports, including the various tables of averages, &c., for 1855 and 1856, reported in 1856 and 1857, and for superintending the work of making out the tables (primary) of births, marriages and deaths for said reports; also, the further sum of fifty dollars is hereby allowed to William L. Sutton, for the labor of William Sutton, in making tables of births for the registration report for 1855, reported in 1856; also, the further sum of one hundred and fifty dollars is hereby allowed said William L.

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Sutton, for the labor of William Sutton and Moses Nichols, in making the tables of births and marriages for the registration report for 1856, reported in 1857; and the further sum of four hundred dollars is hereby allowed Benj. M. Chambers and William P. Jacobs, for making registration tables for the report for 1855, reported in 1856, including marriages and deaths; and the further sum of three hundred dollars is hereby allowed Benj. M. Chambers for making registration tables of deaths for report of 1856, reported in 1857. The said sums of money shall be paid out of the treasury, on the warrant of the Auditor of Public Accounts.

Approved February 2, 1858.

CHAPTER 166.

AN ACT to incorporate the Mt. Sterling and Howard's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name
and style.

That a company shall be formed, under the name and style of the Mount Sterling and Howard's Mill Turnpike Road Company, for the purpose of making a turnpike, or other road, from the east side of Slate creek, near Peter H. Anderson's well, to intersect the Mount Sterling and Owingsville turnpike at some point between the fork of the road near Joseph Bondurant's and the fork of the road near James P. Magowan's farm, passing at or near Howard's Mill, on Slate; and that the capital stock of said company shall be as many shares of fifty dollars each as will make said road, not exceeding the sum of twenty-five thousand dollars.

Capital stock.

Books to be
opened.

§ 2. That books for the subscription of stock in said company shall be opened on the 2nd Monday in February next, or at any time thereafter as may be deemed expedient, in Mount Sterling, under the direction of Thomas F. Hazelrigg, Robert H. Gatewood, Joseph Glover, Alexander M. Barnes, and O. S. Tenney; and at Howard's Mills, under the direction of Coleman Graves, William H. Gatewood, Peter H. Anderson, and James Howard, or some two or more of them at each place, who are appointed commissioners. The subscribers to said company shall enter into the following obligation, substantially: "We, whose names are hereunto subscribed, severally promise to pay to the Mount Sterling and Howard's Mill Turnpike Road Company the sum of fifty dollars in cash, labor or materials as the President and Directors may require, for each and every share of stock set opposite our names respectively, and agreeably to an act of the General Assembly incorporating said company."

Commissioners.

Obligation of
subscribers.

Ten days notice shall be given of the opening of the books for the subscription of stock in said company.

§ 3. Whenever the commissioners, or any three of them, may be of opinion that a sufficient amount of stock has been subscribed to justify commencing the making of said road, they may call a meeting of the stockholders for the purpose of electing a President and five Directors, who shall hold their office for one year, and until their successors shall be elected and qualified. A Treasurer shall be appointed annually by the President and Directors, who shall give a bond, with good security, in an adequate penalty, payable to said company, conditioned that he will faithfully discharge the duties of Treasurer; that he will perform the duties required of him by the by-laws of said company, and that he will pay the amount of moneys in his hands to the President and Directors, or to their order: *Provided*, That the said President, Directors, and Treasurer, before entering upon their offices, respectively, shall take an oath before some Judge or Justice of the Peace that he will faithfully perform the duties of his office without favor or affection, and to the best of his judgment.

§ 4. That upon the election and qualification of the President and Directors, they shall be a body politic and corporate, in deed and in law, by the name and style of the Mount Sterling and Howard's Mill Turnpike Road Company; and by said name to have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring and conveying, all such lands, tenements, and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; also to have a common seal and to do all and every thing which a body politic or corporate may lawfully do.

§ 5. Each stockholder shall be entitled to as many votes in the election of a President and Directors, and in all other elections, as he may hold shares of stock in said company. The stockholders may vote in person or by proxy. The election shall take place annually on the first Monday in June, unless the time shall be changed by the by-laws of the company; and at each annual meeting of the stockholders the President shall lay before them and expose of the situation of said company, and the records of their proceedings. The company shall have power to pass by-laws for their government, and to

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Notice.

Commissioners to call meeting of the stockholders.

Treasurer, his duties, &c.

President, Directors and Treasurer take oath.

President and Directors, their corporate powers, &c.

To have a common seal.

Stock, how voted on, annual elections, &c.

By-laws.

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Certificates of
stock to be is-
sued.

By-laws, &c.

Payments on
stock, &c.

Notice of calls
on stock to be
given, &c.

Stock, how for-
feited.

Width of road,
grade, &c.

May locate road,
survey routes,
&c.

fix days and places for their annual meetings and elections; and certificates of stock shall be transferable as other personal property, on the books of the company, in person or by attorney, and proper certificates of stock shall be given to stockholders; no share shall be transferred until all calls and arrearages shall be paid thereon. The by-laws shall provide for calling meetings of the President and Directors; the number of which shall be requisite to constitute a board; the keeping a record of the proceedings of the board; the salary of all officers; the filling of all vacancies in the board or otherwise; the election of agents, superintendants, gate keepers, engineers, and others; and the President and Directors shall prescribe the time, manner and proportions in which the stockholders shall make payments on their respective shares. The President may draw orders on the Treasurer for all sums necessary to be disbursed; and the board may do all such matters and things as by this charter and the by-laws they are authorized to do.

§6. The President shall give public notice, for at least thirty days, on amount of call on each share of stock, and of the time of payment, and should any stockholder fail to pay such call as may be made, within thirty days after it falls due, he shall pay one per cent. per month for such failure until the call shall be fully paid; and for failure to pay the call and interest for six months the President and Directors may forfeit to the corporation the shares so unpaid, and the amount which may have been paid on such shares; and such forfeited shares may be sold by the President at public auction, for what they may bring, provided they bring the balance due them, or the President may force payment from such stockholder by law.

§7. The road shall be graded as deemed most advisable by the President and Directors; the whole width of the road shall not be greater than forty feet, nor less than thirty feet wide and the portion covered with metal or Macadamized stone not less than twelve feet wide, or with plank, shall not be less than eight feet; and the President and Directors, or a majority of them, may fix the route over which said road shall pass; and by themselves, servants, and agents, they are hereby authorized to enter in and upon the land and enclosures through and which said intended road may be thought proper to pass, and to examine and survey the ground therefor; and to examine for quarries, beds of stone, and other materials necessary for the completion and repairs of the road; and in case the corporation, by purchase or voluntary cession, shall not be able to acquire the lands over which the road shall be laid, yet it may appropriate so much of the lands as may be necessary to its use for the purposes contemplated by this charter: *Provided, however, that the*

owner shall be paid a just compensation therefor, to ascertain which the following rules shall be observed: On the presentation of the petition of the President and Directors to the Judge of any court, setting forth the land and materials wanted, and the name or names of the owner or owners thereof, and showing that due notice has been given, the Judge shall appoint three disinterested free holders of the county, for the purpose of their assessing the damages, which, in their judgment, such owner or owners would sustain by reason of the appropriation of their land or materials, said free holders to be first sworn before returning their award; and the Judge shall appoint a day for the hearing of the parties interested; and the Judge may make all necessary and proper orders which, in his judgment, are requisite for a speedy and impartial assessment of damages; and when an infant or other disabled person may be interested, a guardian *ad-litem* shall be appointed, as in other cases. The oath to be administered to such appraisers shall be "to honestly and impartially assess such damages, and to take into consideration all the advantages and disadvantages that may accrue to the owner or owners of said land;" and by viewing said land, and hearing all testimony offered, the appraisers are to ascertain and assess the damages which each owner may sustain by the appropriation of his land or materials for the use of the corporation. Within ten days after the notification of the appraisers of their appointment they shall make their report to said Judge, in writing, to be signed by them, specifying the lands, the owners named, and the damages, with all necessary certainty. The parties shall have reasonable notice of returning the award, and should either party be dissatisfied, they may be permitted to introduce proof before the Judge, who may set aside the award, for good cause, and appoint other appraisers, or he may correct or modify said award, as may be most conducive to justice; and when settled upon by the Judge, and payment made to the owner, the title shall vest in said corporation; and the Judge shall cause the award of the appraisers, and his judgment, and the evidence of the payment of the money, to be recorded in the County Court Clerk's office, with deeds of conveyance, and which shall operate as a deed to said corporation, and copies from such records shall be read as a copy of a deed.

§ 8. So soon as said road may be completed, and two Justices of the Peace shall certify to the fact, a toll-gate may be put across said road, and the corporation may collect the tolls and duties hereinafter granted to said company, from all persons traveling with horses, cattle, carriages, &c.: *Provided*, That no toll-gate shall be erected within one mile of any town.

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Damages.

Land and materials to be valued, condemned, &c.

Damages, &c.

Gate to be erected when road is completed.

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President and
Directors to ap-
point toll gath-
ers, &c.

Rates of toll.

Penalty for
passing gate
without paying
toll, &c.

Toll not to be
charged when
road is out of
order.

§ 9. The President and Directors may, from time to time, appoint all necessary toll-gatherers, and to collect from every person using said road the tolls and rates hereinafter mentioned, and to stop any person riding, leading, or driving any cattle, sheep, hogs, sulky, chair, chaise, cart, wagon, or any other carriage of burden or pleasure, from passing through said gate or turnpike, until toll shall have been paid by them agreeably to the following rates, to-wit: For every twenty head of sheep, hogs, or other small stock, five cents; for every five head of cattle, five cents; for every horse, mule, jack ass, or other four footed animal of the like or larger kind, except cattle, five cents; for every two wheel pleasure carriage five cents, exclusive of the beast or beasts by which it is drawn; for every four wheel pleasure carriage, ten cents, exclusive of the beasts by which it is drawn; for every cart, ten cents; every four wheel wagon, or other carriage of burthen, twenty cents, exclusive of the tolls on the horses or other beasts by which such cart, wagon, or other carriage of burthen, may be drawn; and a printed list of tolls shall be put up at the toll-gate.

§ 10. If any person, liable to pay toll on said road, shall, with intent to defraud the company, pass through any private gate or bars, or along or over any grounds or lands near to such turnpike gate, or with intent to lessen or evade the payment of toll, shall practice any other fraud or device, or use force, such person, so offending, for each and every offense, shall forfeit and pay to said company, over and above the tolls, a sum not less than one dollar nor more than five dollars, recoverable before a Justice of the Peace, in an action of debt, in the name of the corporation, and for its sole use.

§ 11. Whenever the County Court of said county shall enter an order that said road is so far out of order that tolls should not be paid, then the company shall be forbidden to charge tolls at their gate; and should they offend, the company shall be finable in any sum not less than one nor more than five dollars, before any Justice of the Peace of said county, in an action of debt, by any person aggrieved: *Provided*, The President of said Company should have notice of such Order of the County Court; after such order no tolls shall be charged until said court is satisfied that the road has been sufficiently repaired, or until a Justice of the Peace, from personal inspection of the road, shall certify that it has been repaired, and that in his judgment tolls ought to be charged; which certificate shall be filed in the County Clerk's office, and then be recorded by the Clerk, for which the Clerk shall be paid twenty-five cents, by the company; and so soon as so filed tolls may be charged and collected on said road. Should any toll-gatherer on said road

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charge and collect a greater amount of toll than hereby authorized, he shall be fined ten dollars, before any Justice of the Peace, for the benefit of the informant.

§ 12. That the President and Directors shall keep a fair account of all the receipts and expenditures of the company, which shall, at all times, be open for the inspection of any stockholder, and be laid before the stockholders at their general meetings. After the completion of the road the President and Directors shall, every six months, make a dividend of the clear profits, and pay it to the shareholders: *Provided, however,* That if the net proceeds of the tolls, at the rates herein allowed, shall not produce a dividend of net profits of six per cent. per annum on the cost of said road, the same may be increased so as to produce six per cent. per annum; and if the said rates, for one year, should produce more than eight per cent. per annum they shall be reduced so as not to produce a greater than eight per cent. per annum.

President and Directors to keep account of expenses.

Shall declare dividends.

§ 13. All gate-keepers shall give a bond, when required, to the company, for the faithful performance of their duties; and all persons guilty of tearing down, or in any wise defacing any mile or other post on said road, or any sign board or index, shall be finable before a Justice of the Peace not less than two nor more than ten dollars, in the name and to the use of said company.

Gate keepers to give bond.

§ 14. All wheel carriages passing on said road other wheel carriages, shall keep on the right hand side, leaving at least one half the track on the other side, free and clear for other carriages to pass and re-pass, except when overtaking or passing a carriage of slower draft, when they may pass on either side the slow carriage; and any driver offending herein shall be finable in the sum of five dollars, to be recoverable by the company before a Justice of the Peace, besides being liable to the person injured in all damages which he may sustain.

Rules governing carriages, &c., in passing each other.

§ 15. The President and Directors may purchase, or otherwise have condemned in the same way as land for the road, a sufficient quantity of ground to erect a toll-house, and other buildings and fixtures, not exceeding one acre, but such acre shall not include any dwelling, or other house of the owner without his consent, nor his garden, yard, or orchard; nor shall it prevent him from having free access to the road from his farm or residence.

May condemn land for toll houses, &c.

§ 16. That nothing in this act contained shall be so construed as to impose toll fees upon the owners of lands through which the road shall pass their horses, cattle, or servants, passing on said road from one part of their farm to another, or to impose toll fees upon persons passing to or from any funeral, or upon voters going to or returning from any general election in said county, nor upon persons on the Sabbath, going to or returning from any pub-

No toll to be paid by owners of land passing from one part of farm to another.

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May reduce toll
or charge annu-
al toll.

lie worship, or upon militia on days of muster attending to their duty.

§ 17. The President and Directors shall have power to reduce the rates of toll in cases of persons or families having frequent occasions to pass through the gate, and instead thereof may charge a reasonable annual or monthly toll or compensation for such person or family; all persons making these annual contracts shall be reported by the Treasurer.

§ 18. That the said President and Directors shall not be required to build a bridge across Slate creek, until such time as they may deem most advisable; *And, provided further*, That the places of leaving said road for the purpose of crossing said creek and intersecting said road, shall be made and kept in reasonable good repair, until said bridge shall have been erected.

§ 19. That whenever said President and Directors shall determine to build said bridge, they shall be governed by the provisions of the 7th section of this act, as to the examination of quarries, beds of stone, and other materials necessary to the completion of said bridge.

§ 20. That the act, entitled, an act to incorporate certain turnpike road companies in Montgomery county, and for other purposes, approved March 5, 1850, page 417, and an amended act, approved February 3, 1851, page 157, be and the same is hereby repealed, so far as they apply to the Mount Sterling and Howard's Mill Turnpike Road Company.

Approved February 2, 1858.

CHAPTER 168.

AN ACT to incorporate the Methodist Female College at Covington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.

§ 1. That R. Case, S. J. Walker, W. Persons, Samuel Howard, A. L. Greer, Geo. C. Tarvin, H. K. Lindsey, C. A. McLaughlin, H. H. Mayo, A. Evans, and James G. Howard, and their successors in office, be and they are hereby constituted a body politic and corporate, to be known by the name of the "Trustees of the Methodist Female College at Covington, Kentucky;" and by that name they shall have perpetual succession, and a common seal, with power to alter or renew the same at pleasure; to sue or be sued, plead or be impleaded in any of the courts of this Commonwealth; to acquire, by purchase, gift, grant, or otherwise, any property for the use of said college, not to exceed fifty thousand dollars in value; to sell and dispose of the same according to the

Powers, &c.

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by-laws which may hereafter be established by a majority of the stockholders of said Female College, and reinvest the proceeds thereof in such real and personal estate, for the use of the college, as they may deem proper.

§ 2. The capital stock of said college shall be divided into shares of one hundred dollars each, to be subscribed and paid for according to the regulations laid down in its by-laws; but this act shall not be construed so as to affect the trusts and conditions upon which the stock is held that has already been subscribed for the benefit of said college; and said stock is to be held and disposed of in accordance with articles of agreement already made and entered into by the stockholders. The sum of five thousand five hundred dollars, in sums of five hundred dollars each, having already been subscribed for the benefit of said college, it is declared to be hereby entitled to all the benefits conferred by this charter; and said capital stock may be increased from time to time, a majority of all the stockholders concurring, in shares of one hundred dollars each, to be subscribed and paid for, held and disposed of as said majority may determine by the by-laws of said college: *Provided*, That the capital stock of said college shall not exceed one hundred thousand dollars.

Capital stock.

Provide.

§ 3. The stockholders of said college shall meet annually, on the first Monday in January, with power to adjourn from day to day; and at such meetings they may ordain and put in force, a majority of all the stockholders present concurring therein, such by-laws for the increase of the stock of said college, and for the prudent and efficient management of its affairs, as they may deem proper; and to alter or amend the same at each annual meeting: *Provided*, said by-laws be in no wise inconsistent with the constitution of this State, or of the United States.

Annual meetings.

§ May make by-laws, &c.

§ 4. The Trustees hereby incorporated, shall hold their office until the first Monday in January, 1859, at which time, and annually thereafter, an election shall be held by the stockholders for Trustees of said college; each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he or she holds, and the candidates receiving the largest number of votes shall be declared duly elected, and shall hold their office until their successors shall be elected. No person shall be eligible for the office of Trustee, unless a stockholder. The said Trustees shall hold the property already purchased for the benefit of the college, as has been agreed upon in articles of agreement entered into by them before the date of this act; and they shall acquire and hold such property as may be purchased hereafter for the benefit of the college, and dispose of the same as may be determined by its by-laws.

Trustees, term of office, &c.

shall hold property.

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§ 5. The Trustees shall have power to choose from their own body, a President, Treasurer, Secretary; and shall have power to fill all vacancies in their own body or in said offices; and at all meetings, a majority shall constitute a quorum to do business.

May confer degrees, &c.

§ 6. The Trustees shall have the power to confer upon the pupils of said college any or all the diplomas and degrees conferred by the best female colleges in Kentucky, and they, together with the President and preceptors of the college who have taught said pupils, shall sign said diplomas, and affix the seal of the college thereto.

§ 7. This act shall take effect from and after its passage. The General Assembly reserves the right to alter, amend, or repeal this charter at pleasure.

Approved February 2, 1858.

CHAPTER 169.

AN ACT creating a Police Judge and Marshal in the town of Canton, Trigg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May elect Police Judge.

§ 1. That the citizens of the town of Canton, in Trigg county, shall and they are hereby authorized to elect a Police Judge in said town on the first Monday in August, 1858, and on the same day of every fourth year thereafter, all the qualified voters of said town being entitled to vote at said election; which Judge, before he enters on the duties of his office, shall take an oath before a Justice of the Peace to discharge the duties of said office faithfully and impartially to the best of his ability, and such oaths as public officers are usually required to take. Said Judge shall have jurisdiction of all misdemeanors, and of all causes, civil, criminal, or penal, in which Justices of the Peace have jurisdiction within the county of Trigg; and in criminal or penal cases he shall have the jurisdiction conferred by law upon two Justices of the Peace, and shall proceed in the same manner that Justices of the Peace are required to proceed in such cases; he shall have full authority to require bail, and receive acknowledgement and execution of recognizances of bail, in all cases originating before him in which bail is or may by law be hereafter required, and such recognizance shall be taken in such form, and be returned in such manner, as is or may be hereafter prescribed by the several laws requiring or authorizing bail; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, and unlawful assemblies, all cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of

Jurisdiction, &c.

1858.

said town, of all cases of drunkenness, profane swearing, running horses, firing guns, pistols, making reports by burning powder or crackers, blowing horns, ringing bells, crying aloud by day or by night, and all other riotous or illegal and improper conduct whatever, committed within the bounds of said county, all of which are hereby declared to be misdemeanors. He shall have jurisdiction of all offences or causes arising out of the by-laws and ordinances passed by the Board of Trustees for the enforcement of the powers granted to them by law. He shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury shall be required before the Circuit Court or a Justice of the Peace, and in all cases, where the amount of fine is over \$16 66 $\frac{2}{3}$, and is not fixed by law, the sum shall be ascertained by the verdict of a jury. He shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend may award compulsory process to compell their attendance. He shall have power, without the intervention of a jury, to fine or imprison for contempt: *Provided*, the fine does not exceed three dollars, nor the imprisonment six hours. He shall have the same authority to take depositions that Justices of the Peace now have in this Commonwealth. He shall have full power to grant injunctions, restraining orders, and writs of *habeas corpus*, and administer oaths in all cases wherein, by existing laws, Justices of the Peace are required or authorized so to do. He shall keep a record of his proceedings, a certified copy of which shall be evidence in all courts of justice, and have the same force and effect as records of a Justice of the Peace. He shall, in all other matters not herein mentioned, have concurrent jurisdiction with Justices of the Peace, and be governed by the same laws and regulations. All trials before said Police Judge shall be had and held in the town of Canton.

Jury.

May grant injunctions, &c.

§ 2. The Police Judge shall issue process in the name of the Commonwealth, as other warrants, except otherwise provided for in this act, and make them returnable before himself as Police Judge of Canton; the same shall be directed to the Marshal, Sheriff, or any Constable of Trigg county, and shall be executed and returned by the officer in whose hands the same is placed, under the same penalties as other process from Justices of the Peace: *Provided, however*, that when any prosecution is instituted and carried on at the instance of the Board of Trustees, the warrant shall state that it is so issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted said Trustees shall be liable for the cost. The Police Judge shall be entitled to a fee of one

Shall issue process in name of Commonwealth

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dollar for a peace warrant, or a warrant for a riot, rout, or breach of the peace, unlawful assembly, affrays, or misdemeanor, or any breach of the laws in relation to the town of Canton, or any by-laws or ordinances of the Board of Trustees; he shall be allowed fifty cents for all injunctions, restraining orders against absent defendants, and writs of *habeas corpus*, respectively; he shall be entitled to a fee of twenty-five cents for all orders of sale, twelve and a half cents for a subpoena, and fifteen cents for a certificate, and in all other cases his fees shall be the same as those of a Justice of the Peace for like services.

Fees, &c.

Justice of the
Peace may act.

§ 3. That any Justice of the Peace in the town of Canton, or district in which the town is situated, holding his office in said district, shall be and they are hereby authorized to discharge any of the duties imposed by this act upon the Police Judge in the absence of said Judge or inability to attend to the same; and the justice so acting shall be allowed the same fees as the Police Judge of said town.

Marshal to be
elected.

§ 4. There shall be a Marshal elected by the qualified voters of said town, at the same time and place the Police Judge is elected, under the same rules and regulations, and shall hold his office the same length of time that the Police Judge is entitled to hold his office under this act; before he enters upon the duties of his office he shall take an oath faithfully and impartially to discharge the duties of said office, and shall give bond with good security, in a sum not exceeding two thousand dollars, conditioned faithfully to discharge the duties of said office, and may contain any condition that the Board of Trustees for said town may think right or proper to require. He shall have full power, within the county of Trigg, to serve all process and precepts directed to him by the Police Judge, and in the absence of the Sheriff all process and precepts directed to him by any officer of the Commonwealth, and make due return thereof. He shall be entitled to the same fees and per cent. for collecting the tax of said town, penalties, and forfeitures, as Sheriffs and Constables are in like cases. He shall be entitled to a fee of one dollar for serving a peace warrant, a warrant for riot, rout, affray, or breach of the peace, and for all warrants when fines are to be assessed by a jury before the Police Judge, and one dollar and fifty cents for summoning a jury, which impaneled before the Police Judge, and to a fee of twenty-five cents for all other penalties, forfeitures, and debts tried before the Police Judge, without a jury; to a fee of twelve and a half cents for summoning a witness, and to the same fees from the State, to be paid out of the Treasury and county levy, for serving warrants for felonies and warrants against

To give bond.

Fees, &c.

slaves for misdemeanors, as Constables and Sheriffs are entitled to for like services. He shall collect all executions and final process placed in his hands for collection, in the same manner Constables are required by law to do. He shall be subject to the same proceedings, and liable to the same penalties, that Sheriffs and Constables, are in like cases, for the non-performance of any duty imposed by this act.

1858.

Shall collect executions, &c.

§ 5. That whenever a vacancy shall occur in the office of Police Judge or Marshal, by death or otherwise, the qualified voters of said town shall elect a Police Judge or Marshal for the residue of the term thus made vacant, the time and place of said election to be fixed by the Trustees, and advertised ten days previously thereto by notice placed at three of the most public places in said town.

Vacancy—how filled.

§ 6. The General Assembly reserves the right to repeal or change this act at pleasure.

Approved February 2, 1858.

CHAPTER 170.

AN ACT to incorporate Martin Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. G. Simpson, J. B. English, William Beck, A. M. Rigg, Thos. C. Ross, and S. B. Brown, and their successors, be and they are hereby incorporated and appointed a body politic and corporate, by the name and style of the "Martin Institute," for the purpose of establishing and maintaining a Male Academy of learning in the county of Owen; and by such name and style shall be capable, in law, to contract and be contracted with, to sue and be sued, in all the courts of this Commonwealth and elsewhere, to acquire, hold, and convey property, both real, personal, and mixed; and to receive donations of money, land, or property, and to establish and enforce such by-laws, ordinances, and regulations, not incompatible with the laws of this Commonwealth, as to them may seem necessary for the good government of the corporation, and of the teachers and pupils in their employ.

Corporator's names.

Corporate name and style.

Powers, &c.

§ 2. The capital stock of said corporation shall be three thousand dollars, in shares of twenty-five dollars each, with the power to increase the same to any sum not exceeding five thousand dollars: *Provided*, That certificates of capital stock shall at no time exceed the amount actually paid in or subscribed to said corporation, for the purposes indicated in this act; and it shall be the duty of the Board of Trustees, or the President and Secretary thereof, to issue to each contributor of either money or

Capital stock.

1858.

acceptable property, towards the building and endowment of said institute, certificates of one share of capital stock for each sum of twenty-five dollars which may have been so contributed and paid, or which may hereafter, upon the call of said Trustees, be contributed and either paid or guaranteed to the use and benefit of said Institute.

Trustees.

Their term of office.

§ 3. The persons named in the first section of this act having been elected Trustees by the subscribers to the Martin Institute, are hereby recognized as the legally constituted Board of Trustees for the government of said corporation, to hold office until the first Monday in July, 1858, on which day, and on the corresponding day of every succeeding year, it shall be the duty of the stockholders to meet at the house of said Institute, near the town New Liberty, and elect six competent persons to constitute said Board of Trustees for the next ensuing year; and said Board of Trustees shall elect a President, Secretary, and Treasurer, to whom they may assign such duties and responsibilities as may be designated in the by-laws and regulations of said corporation.

Stock, how voted.

§ 4. At the election of Trustees, and on all questions submitted to the vote of said stockholders, each person or persons shall be entitled, by himself or proxy, to one vote for each share he or they may own, but no person shall be entitled to vote for himself or by proxy, or on account of both together, more than one fifth the whole stock of the association; and all officers shall continue to hold and exercise the functions of their respective offices till their successors shall be duly elected and qualified.

Called meetings

§ 5. Any two trustees, or persons holding one fifth of the whole stock, may call an extraordinary meeting of the stockholders, upon giving twenty days notice thereof, and at any such meeting, a majority in interest of the whole stock in the corporation concurring, shall have power to remove or dismiss any officer or employee or pupil of said Institute, and to transact any other business that any regular annual meeting may deem expedient. At all meetings of stockholders it shall require a majority in interest of the whole stock to be represented to constitute a quorum for business.

Trustees to appoint Principal, &c.

§ 6. The trustees shall have power to appoint a Principal of said Academy, and such other instructors, professors, or teachers as they may deem fit, and fix their salaries or rates of charges for tuition, and may remove or dismiss such principal, assistants, professors or teachers, at pleasure; and said Trustees shall or may establish rules for the government of both teachers and pupils in said Academy, and may confer on those pupils they shall adjudge worthy such honors and literary degrees as are usually conferred by the best male Academies.

§ 7. The Trustees may decide what class of pupils to admit to said Institute, but the children and wards of stockholders shall have precedence in admission in case the Institute shall be incapable of accommodating all the applicants there; and the trustees may fix the amount of original subscription of stock that shall entitle the holder thereof, and his, her, or their successor, to a scholar in said Academy free of further charge for tuition.

§ 8. The capital stock shall be assignable on the books of the corporation, and all funds, lands, or property which may come into the hands of the Trustees, under the provisions of this act, shall be used only for educational purposes, and the permanent interest and advancement of said institute.

Approved February 2, 1858.

1858.

Pupils, how admitted, &c.

CHAPTER 171.

AN ACT to amend the charter of the Eminence High School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of said act, to which this is an amendment, shall be so changed as to substitute the word "Trustees" for the word "stockholders," where it occurs in said section.

§ 2. That it shall not be lawful for any person in the town of Eminence, to sell or hire any article or thing on credit to any pupil of said school, who is under the age of twenty-one years, without first obtaining the permission so to do, from the parent or guardian of said pupil, or from the principal teacher, if boarding with him. Any person violating this act, shall, at the instance of any person, upon satisfactory proof, before any Magistrate of Henry county, be convicted and fined the sum of ten dollars, with costs, for each offense—all said fines to go to the use and benefit of said school.

§ 2. This act shall take effect from its passage.

Approved February 2, 1858.

CHAPTER 172.

AN ACT for the benefit of School District No. 12, in Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It appearing satisfactorily that a school was taught in district No. 12, Common Schools, in the county of Spencer, for the space of two months, in the year 1857, and that the school house in which said school was

1858.

taught was destroyed by fire, and the further teaching of the school, so as to comply with the provisions of the school law, thus prevented, the Auditor of Public Accounts be hereby authorized to draw a warrant upon the Treasury for the sum of forty-six dollars ninety cents, in favor of the School Commissioner of Spencer, for the benefit of said district No. 12, to be paid out of the school fund due said county of Spencer for the year ending 31st December, 1857.

§ 2. This act to take effect from its passage.

Approved February 2, 1858.

CHAPTER 173.

AN ACT to incorporate Col. Clay Lodge No. 159, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name
and style.

§ 1. That the members, and those who may hereafter become members, of Col. Clay Lodge, No. 159, of Free and Accepted Masons, in Covington, Kenton county, be and they are hereby created a body politic and corporate, by the name and style of "Col. Clay Lodge, No. 159, of Free and Accepted Masons;" and by that name shall have perpetual succession, and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, of acquiring and holding such real and personal estate as may be necessary for the use of said Lodge; to have and use a common seal; receive all necessary conveyances, and sell the property of said Lodge, and re-invest the proceeds thereof: *Provided*, That the entire amount invested in property by said Lodge shall at no time exceed thirty thousand dollars.

Powers, &c.

Proviso.

Trustees—their
powers.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the Master, Senior and Junior Wardens, and their successors in office, as Trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said Lodge.

May convey
real estate.

§ 3. That in conveying real estate, the whole board of trustees shall join in such conveyance. Said Trustees shall have power to ordain and put in force by-laws for the safe keeping of the property and other interest of said Lodge: *Provided*, The same be not inconsistent with the constitution of this State or the United States.

Approved February 2, 1858.

CHAPTER 174.

1858.

AN ACT for the benefit of the town of Waynesburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. F. Camden, George W. Singleton, John F. McKinzie, and their successors in office, be and they are hereby created a body politic and corporate, under the name of the "Trustees of the town of Waynesburg;" and by that name may sue and be sued, contract and be contracted with, have perpetual succession, make all necessary and needful regulations, ordinances, and by-laws, for the government of said town, not inconsistent with, nor repugnant to the laws of the United States, nor the State of Kentucky.

Trustees.

Corporate name and style

§ 2. That the limits of said town shall extend from a point half way between the tavern houses of George W. Singleton and John Griffin, one-eighth of a mile north, south, east, and west, and by lines so run from the terminations of the above named points as to include all the lots as laid off in the original plat of said town.

Town limits.

§ 3. That said Trustees shall exercise their power as such, and continue in office until the first Saturday in May, 1858, when a Board of Trustees shall be elected by the qualified voters residing within the limits of said town; and the election for Trustees shall thereafter annually be held on the first Saturday in May; the number of Trustees shall be five, any three of whom shall have power to transact business; and they shall appoint a President and Secretary, to keep a full and complete record of all the proceedings of the board.

Trustees, term of office.

§ 4. Said Trustees shall have the power to open any or all the streets or alleys of said town, as laid down on the original plat thereof, where the same have not been sold or enclosed for a period of twenty years; and any person or persons who shall close up or otherwise obstruct said streets or alleys, or who may now have the same closed up, or obstructed, shall be subject to a fine of five dollars for every twenty-four hours they permit said obstacles to remain after three days notice, given by the Board of Trustees or some one by them, lawfully authorized by them to remove the same, to be recovered by petition in the name of the Trustees of said town, to a Justice of the Peace for Lincoln county, residing in or nearest to said town.

Powers of Trustees, &c.

§ 5. That the inhabitants of said town, subject to work on roads and highways, shall be subject to work on the streets and alleys of said town, for the same length of time; and for a failure, to be subject to the same penalties that citizens are now subject to for failure to work on the roads and highways in this Commonwealth; and the citizens of said town shall not be compelled to work on any other road.

Citizens to work on streets, &c.

1858.

Fines and forfeitures.

§ 6. All fines and forfeitures for breaches of the by-laws and ordinances of said town, shall be recovered before a Justice of the Peace for the county of Lincoln, and applied by the Trustees to the improvement of said town.

Approved February 2, 1858.

CHAPTER 176.

AN ACT to incorporate the Bourbon Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees's names

§ 1. That Wm. C. Lyle, Joseph Porter, B. F. Pullen, Wm. W. Mitchell, George W. Williams, Henry Hopson, R. S. Henderson, as Trustees for the purposes in this act specified, be and they are hereby constituted a body corporate, under the name and style of "The Bourbon Academy;" and by that name shall have perpetual succession and a common seal, and may sue or be sued in any court in this Commonwealth.

Corporate name and style.

Objects.

§ 2. That the object and business of said corporation shall be to found and maintain, in the town of Paris, an institution or institutions of learning, male and female.

Capital stock.

§ 3. That the capital stock shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

Books to be opened for subscriptions.

§ 4. That books for the subscription of stock shall be opened at such places, and at such times, as the Trustees shall direct—three Commissioners to be appointed by the Trustees to open said Books, any two of whom may act. The subscribers must enter into an obligation of the following import: "We promise to pay to the "Bourbon Academy" fifty dollars for every share of stock set opposite to our names, to be paid in such manner and proportions, and at such times, as may be required of us by the Trustees of said Academy."

Obligation.

Money to be invested.

§ 5. That the proceeds of said stock shall be invested in the purchase of a suitable site, in the town of Paris, for school buildings, and in the erection of such buildings, and in the purchase of necessary libraries and philosophical and school apparatus; and said Trustees may receive in addition to said stock, any money or property real or personal, by gift, devise, or otherwise, to be held, appropriated, and used for the same purpose.

Vacancies, how filled.

§ 6. That all vacancies occurring among said Trustees, by removal from the county of Bourbon, death or resignation, or other way, must be filled by a majority of those who remain, or by a simple majority of a quorum, and so on in perpetual succession. Any four shall constitute a quorum.

1858.

§ 7. That said Trustees shall elect a Chairman of their own body, who shall preside over their meetings, and who shall be entitled to one vote only. They shall appoint a Clerk, who shall keep, in a well bound book, a fair record of all their proceedings. And they shall appoint a Treasurer, who shall collect, receive, and account for all funds, money, or other valuable thing belonging to said corporation; he shall be required to execute bond with ample surety, conditioned for the faithful discharge of his duty as treasurer; and any covenant inserted in said bond shall be binding upon him and his sureties, according to the true meaning of the same.

Trustees to elect chairman and other officers.

§ 8. That said Trustees shall have power to appoint a competent corps of Teachers, Professors, and Tutors, for the several schools, and may prescribe proper rules for the government of the Schools, Teachers, Professors, and Tutors.

Trustees to appoint teachers, &c.

§ 9. That the Trustees of the town of Paris may, by deed, convey to the corporation created by this act, their right, title, and interest to a lot in the town of Paris, known on the plat of said town as Lot No. 108, situated on the south side and fronting on Pleasant street, on which lot the said Trustees of Paris have recently erected a building for school purposes; and said lot, with the improvements thereon, shall be held and used by said corporation for educational purposes, and for no other; and the schools taught, and to be taught, in the buildings on said lot, be and remain under the exclusive management of the Trustees of said corporation; and that upon said conveyance being made by the Trustees of the town of Paris their power over said schools shall forever cease.

Trustees of Paris may convey lot, &c., to this corporation on certain conditions.

§ 10. That the County Court of Bourbon county, a majority of all its justices being present, may subscribe for any amount of the capital stock in said corporation, by an order directing its Presiding Judge to make the subscription; and said court shall, at the same time, direct the same to be paid out of the county levy; and said court in its discretion, may afterwards, a majority of its justices being present, increase its subscriptions, to be paid in like manner.

Bourbon County Court may subscribe for stock.

§ 11. That the Trustees of the town of Paris may subscribe for stock in said corporation, and provide for its payment out of the ordinary tax and revenue of the town.

§ 12. That whenever the Trustees of the Bourbon Academy shall afford facilities for instructing all the youth, male and female, between the ages now or hereafter to be prescribed by law, who live within the boundaries of said town, and within one mile thereof, free of charge, and for the period during which they are or may

How this may become a common school.

1858.

May draw school fund.

be entitled to tuition in the Common Schools, the School Commissioner for Bourbon county shall cause the said boundary to be erected into a school district, and report the same as such, and he shall draw from the Treasury its proper proportion of the Common School fund, and shall pay the same to the Treasurer of the Bourbon Academy.

Dividends may be declared.

§ 13. That the Trustees of the Bourbon Academy may declare and pay over to the several shareholders such dividends as they shall deem proper.

May confer degrees, &c.

§ 14. That the Bourbon Academy may confer such degrees upon its pupils, for proficiency in scholarship, as is usual in any school or college in the United States.

§ 15. That the Trustees of the Bourbon Academy shall have the right to appropriate and use the proceeds of the Baldwin fund in any way they may deem proper, not inconsistent with the design of the founder of said fund.

Repealing clause.

§ 16. That all laws not consistent with the provisions of this act be and they are hereby repealed.

§ 17. The Legislature shall have the right to repeal this act in whole or in part.

Approved February 2, 1858.

CHAPTER 177.

AN ACT to authorize the appointment of Commissioners of a Sinking Fund, and to provide for the payment of the public debt for Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sinking fund created.

§ 1. That for the purpose of providing for the payment of the principal of the bonds issued by Fayette county to the Maysville and Lexington Railroad Company, the Covington and Lexington Railroad Company, and the Lexington and Danville Railroad Company, a Sinking Fund is hereby created, which shall consist of all dividends which shall be received by said county from said companies, as well as all dividends received by the county from its stock in the Turnpike Roads of the county, and of an annual tax which the County Court of Fayette county is hereby authorized to levy upon the taxable property of said county, in addition to the tax said County Court is now authorized to levy for the payment of the interest on said bonds.

Tax to be levied

Amount of tax limited, &c.

§ 2. The tax authorized to be levied by the preceding section, shall not exceed one-fourth of one per cent. on the taxable property, and shall be levied and collected in the same manner, and under the same responsibilities with the railroad tax now authorized to be levied and collected, and shall be paid over to and managed by the Commissioners of the Sinking Fund of Fayette, who

for the more efficient management of said fund, are hereby created a body politic and corporate, with the usual powers of corporations.

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§ 3. The Sinking Fund hereby created, shall be held sacred for the redemption of the principal of said bonds; and the Commissioners are authorized to purchase any of said bonds with the proceeds of said Sinking Fund, and until purchases shall be made, to invest the proceeds of said fund in Kentucky State Bonds, and in such other safe and productive stocks, bonds and mortgage securities, as the Fayette County Court shall, by general or special orders, prescribe or authorize.

Purposes of fund.

§ 4. There shall be annual report and settlement by the Commissioners of the Sinking Fund, with the Fayette County Court, at which time all coupons and bonds paid or redeemed by said commissioners shall be burnt in the presence of the County Court, and an entry thereof, together with settlement, placed upon the records of the court.

Annual reports to be made.

Approved February 2, 1858.

CHAPTER 178.

AN ACT to incorporate Montgomery Library Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Belvard J. Peters, Walter Chiles, J. W. Moore, J. S. Dury, Charles Nelson, Lee Hathaway, Thomas Johnson, Luther M. Buford, John Everett, and Richard Apperson, Jr., and their associates and successors, be and they are hereby incorporated, by the name and style of "The Montgomery Library Association;" and are hereby invested with full power to sue and be sued, plead and be impleaded, answer and be answered unto, form a constitution and by-laws, devise and use a common seal, and do all other necessary acts to carry out the purposes of this incorporation, not incompatible with the constitution and laws of this State, or of the United States.

Corporator's names.

Corporate name and style.

Powers & privileges.

§ 2. The object of this incorporation shall be to obtain books, pamphlets, publications, engravings, pictures, works of art of any description, maps, philosophical apparatus, or other thing which the Board of Control may direct.

Objects of corporation.

§ 3. The capital stock of this association shall be five thousand dollars, divided into shares of twenty-five dollars each; but which capital may be increased to any amount not exceeding fifty thousand dollars, authorized by the by-laws of the association.

Capital stock.

§ 4. The shareholders shall elect from their own body, on the first Saturday in January in each year, five Direc-

Directors to be elected.

1858.

President, &c.

Board of Control.

To make annual reports.

Incorporator's general powers.

tors, who shall continue in office one year, and until their successors are appointed. Said Directors shall elect a President and Secretary from their own body, and shall have power to fill any other offices which may be created by the constitution or by-laws, who shall compose a Board of Control, and as such shall have exclusive power to conduct all the affairs of the association, and to bind the same by either written or verbal contract. The said board shall have power to require bond to be executed by any officer which may be directed by the by-laws or constitution.

§ 5. The Board of Control shall keep a record of all its proceedings, and on the first Saturday in January shall present an annual report.

§ 6. Until the first Saturday in January, 1859, the present incorporators shall have power to transact all business which may be necessary to effectuate the object of incorporation.

Approved February 2, 1858.

CHAPTER 179.

AN ACT for the benefit of the estate of Saml. Long, of Oldham county

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the estate of Samuel Long, of Oldham county, a lunatic, be and the same is hereby released from the payment of the sum of two hundred dollars, now due from the estate of said Long to the Lunatic Asylum at Lexington.

Approved February 2, 1858.

CHAPTER 180.

AN ACT to amend the charter of the North Middletown, Mount Ida, and Mount Sterling Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the charter of the North Middletown, Mount Ida, and Mount Sterling Turnpike Road Company, be and the same is hereby amended, by striking out Mount Ida from the original act of incorporation. And the Board of Directors are hereby authorized to erect two toll gates on the said road, one not nearer than one mile to North Middletown, and the other not nearer than one mile to the present termination of the road, at the Maysville turnpike, at which they may charge and take rates of toll as now allowed by law. This act to take effect from its passage.

Approved February 2, 1858.

CHAPTER 181.

1858.

AN ACT to repeal an act, entitled, an act to amend an act authorizing the County Court of Pendleton to appoint a County Treasurer, and regulating the duties of the Sheriff of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled, "an act to amend the act, entitled, an act authorizing the County Court of Pendleton to appoint a County Treasurer for said county," approved February 24, 1842, be and the same is hereby repealed, saving to said county, and all others, any rights which may have accrued and which exist under said act.

Former act repealed.

§ 2. That hereafter it shall be the duty of the Sheriff of said county to settle his accounts with the County Court at each annual Court of Claims for the county levy, then due and payable for the preceding year, then just ended, which settlement shall be approved by the court, and ordered to record.

Sheriff, his duties, &c.

§ 3. That all creditors of said county, who now have or may hereafter hold claims against the said county, allowed at the Court of Claims, or at any intervening terms of the court, and which the Sheriff, after the same are due, and upon demand made of him by the creditor or his attorney or authorized agent, refuses to pay when he has sufficient funds in his hands, for which he is charged in his settlement with the court, out of which such claim or claims are made payable, such creditor shall have the right, and is hereby authorized to institute proceedings in the County Court, in his own name, by motion against the Sheriff and his sureties, for the amount of the claim and ten per centum per annum interest thereon from the date of the demand until paid, and the costs of the motion, which motion, and the proceedings thereon, shall be governed in every respect by the general laws now in force, except as herein otherwise provided. The Sheriff, in settling with the Treasurer, shall have a credit for the amount of any claim, exclusive of interest and costs, upon which judgment has been rendered against him and his sureties under this act.

Creditors of county may bring action against Sheriff if he does not pay them.

§ 4. That the County Court of said county shall have the power, and it is hereby authorized, to recover of the Sheriff and his sureties, by motion as now prescribed by law, any county levy now due, or which may hereafter become due, from the Sheriff to the county; such judgment shall bear interest at ten per centum per annum, from its rendition until paid.

Sheriff to have credit for claims paid by him.

County Court may sue Sheriff, &c.

§ 5. This act shall be in force from its passage.

Approved February 2, 1858.

1858.

CHAPTER 183.

AN ACT for the benefit of Julius Hacker, and Asa Gilbert.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Julius Hacker, late Sheriff of Owalee county, and Asa Gilbert, late Sheriff of Clay county, be and they are hereby allowed the further time of two years, from and after the passage of this act, to collect their unpaid lists of fees and taxes as Sheriffs, in like manner as Sheriffs are now by law authorized to do, being liable upon their official bonds for any illegal act in carrying out the provisions of this act, as Sheriffs now by law are liable. This act shall take effect from the date of its passage.

Approved February 2, 1858.

CHAPTER 184.

AN ACT to amend an act, entitled, an act to amend the laws regulating the Wilderness Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the second section of an act, entitled, an act to amend the laws regulating the Wilderness Road, approved 27th February, 1847, as gives to the Stinking and Otter creek road the sum of one hundred and fifty dollars, be and the same is hereby repealed, and that said sum of one hundred and fifty dollars shall hereafter be applied and appropriated on the road from Cumberland Gap, by way of Joseph Payne's to J. and D. White's salt furnace, in Clay county.

Approved February 2, 1858.

CHAPTER 185.

AN ACT to establish and incorporate the town of Johnsonville, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Johnsonville, in the county of Anderson, be and the same is hereby established and incorporated as a body politic, having all the rights, duties, liabilities of such corporation, as now provided for by law. That the free white male citizens of said town, over the age of twenty-one years, shall have power, on the first Saturday in April, and annually thereafter, to meet at some place in said town, and to hold an election, *viva voce*, for five suitable persons to act as Trustees of said town; also a suitable person to act as Police Judge, and another as Marshal of said town. Said election shall

Town established.

Trustees to be elected.

1858.

be held by the officers required by law to hold elections in the district in said county in which the town of Johnsonville is situated, and the poll books used in said election, certified according to law, and returned to whomsoever shall be elected as said Trustees, to be kept by them or their clerk as official records.

§ 2. Said Trustees may enact by-laws and ordinances for the government of said town, and impose suitable fines for their violation, not exceeding a Magistrate's jurisdiction. Shall have power to lay and collect a tax upon the tithes and property of said town, not exceeding one dollar per head on the tithe, and the sum of fifty cents on each hundred dollars of property in said town. To establish streets and alleys; to make out a plat and survey by some competent person, showing the metes and bounds of said town, not exceeding one-fourth of a mile square, taking the store house of Buckner and Rose for the central point of said district, which survey and plat shall be made out and recorded in the Clerk's Office for the County Court of said county.

Trustees may make by-laws, &c.

§ 3. Said Trustees may appoint a Clerk of their board, who shall keep a faithful record of their acts and doings, and of all by-laws and ordinances by them enacted, attest the same, and post them on some public place, and perform such other legal duties as the Trustees may require of him.

Clerk to be appointed.

§ 4. The Marshal of said town shall give bond in a sufficient sum, with security, approved by said Trustees, for the safe keeping and accounting for all moneys which he may receive belonging to said town, to be payable to said Trustees, which bond shall be kept by said clerk as an official paper; and said Marshal shall have the same powers, rights, duties, fees, and legal liabilities, within the limits of said town, as any Constable of Anderson county.

Marshal to give bond.

Power and duties.

§ 5. Said Police Judge shall have the same jurisdiction, concurrent with the Justices in that Justices' district, criminal, legal and equitable, within said town limits, and the same fees, rights, duties, and legal liabilities, as any Magistrate in Anderson county, and jurisdiction over all claims arising under the by-laws and ordinances of said town.

Police Judge.

§ 6. All said officers shall hold their offices for the term of one year, and until their successors are appointed and qualified; and it shall be the duty of said Trustees to see that suitable persons are appointed to hold the annual election herein provided for, and shall fill vacancies in their body by appointing, until the next election for town officers, and shall cause an election to be held at any time to fill vacancies in the office of Police Judge or town Marshal, when any such vacancy shall occur.

Term of office.

Vacancies, how filled.

1858.

Penalty for not
performing du-
ties.

§ 7. Any person failing or refusing to perform any duty enjoined by this act, may be fined any sum not exceeding fifty dollars, to be recovered as any other fine is recovered before a Magistrate.

Approved February 2, 1858.

CHAPTER 187.

AN ACT to establish the town of Rochester, in Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town boundary.

§ 1. That the town of Rochester, in Butler county, Kentucky, as laid off and described in the following boundary: Beginning at the point where Green and Muddy rivers unite; running thence up Green river to the dividing line between the land of H. B. Wiggins and J. J. Cannon, formerly W. S. McDowells; thence up the Russellville road, with said line, to the line between the lands of said Wiggins and J. B. Phillips; thence with that line to the back part of said Phillips lot; thence a westerly course to the lake or slough back of said town; thence with said lake to Muddy river; thence with said Muddy river to the beginning, shall be known and the same is hereby declared to be the extent and limits of said town of Rochester.

Act to incorporate
Morgantown
made part of
this act.

§ 2. That the provisions of an act, entitled, an act to authorize the town of Morgantown, in Butler county, to elect a Police Judge and town Marshal, approved March 10, 1856, so far as the same authorizes the creation and establishment of the offices of Police Judge and town Marshal in said town, be and the same are hereby made applicable to the town of Rochester, hereby established.

Officers—term
of office, &c.

§ 3. That the same officers shall be elected at the same time that County Judges and Sheriffs are elected, in the same manner, and for the same tenor, possess the same jurisdiction, be subject to the same liabilities, and entitled to the same compensation, as is provided in the act creating the same officers in the said town of Morgantown, above referred to.

Approved February 2, 1858.

CHAPTER 188.

1858.

AN ACT amending an act, approved March 10, 1856, in relation to Police Judge and Marshal for the town of Morgantown, Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, approved March 10, 1856, authorizing the election of a Police Judge and town Marshal in Morgantown, Butler county, Kentucky, be so amended as to require the election of said officers hereafter held in said town to take place at the same time that the election of County Judges and Sheriffs shall be held in said county.

Approved February 2, 1858.

CHAPTER 189.

AN ACT to amend an act, entitled, an act to amend the laws relating to the county levy of Kenton county, approved February 5th, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Justices of the Peace, the Mayor of the city of Covington, the County Judge, and the Circuit Court, when sitting in Covington, shall commit to the jail in said city, all offenders against the laws of this Commonwealth, and all persons charged with violating said laws, where the offense was committed, or charged to have been committed, in said city; and all claims of every kind, for officers fees, physicians services, or other claims, so originating, in reference to such persons, which now are, or heretofore were paid out of the county levy of Kenton county, shall hereafter be paid by said city, when satisfactorily proven to the City Council, and shall not be allowed out of the county levy of Kenton county.

Approved February 2, 1858.

CHAPTER 192.

AN ACT to amend an act to increase the powers of the Trustees of the town of Eddyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved February 16, 1837, entitled, an act to increase the powers of the Trustees of the town of Eddyville, be and the same is hereby so amended as to fix the tax on coffee-house license at not less than fifty, nor more than one hundred dollars per annum, to be paid half yearly in advance; and that said Trustees be and they are hereby required to grant license to any white person, not of bad character, who may apply therefor, and pay to their Clerk the sum of money which may,

1868.

by said Trustees, have been determined upon for the year, not less than fifty nor more than one hundred dollars, which tax shall be appropriated as directed in the act to which this is an amendment: *Provided*, that at the time of granting license, as aforesaid, the applicant shall take the oath required by law to be taken by tavern keepers within this Commonwealth, in relation to the sale or gift of spirituous liquors to slaves, as well as such other oath or oaths as may now be required to be taken by keepers of coffee-houses.

§ 2. This act shall be in force from its passage.

Approved February 3, 1858.

CHAPTER 193.

AN ACT making Lucinda Anderson the lawful heir of Parker Williamson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Lucinda Anderson, an infant girl raised by Parker Williamson, of Rockcastle county, be and she is hereby adopted as an heir of the said Parker Williamson, and made capable in law of inheriting the estate of the said Williamson at his death, and is in every other respect made his legal and lawful heir.

Approved February 3, 1858.

CHAPTER 194.

AN ACT for the incorporation of the Washington Literary Society of Bethel College, in Russellville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators.	§ 1. That the President, Vice President, Secretary, Treasurer, Librarian, and their associates, be and are hereby created a body politic and corporate, by the name and style of the "Washington Literary Society of Bethel College, located in Russellville, Ky.;" and by that name and style may have and use a common seal, with the power to alter and change the same with pleasure; and may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places in the Commonwealth; and shall also have power to acquire, take, and hold, by gift, grant, devise, or purchase, any real or personal estate not exceeding the sum of thirty-five thousand dollars, and to convey, exchange, or dispose of the same at pleasure, for the use of said society.
Name and style.	§ 2. That it shall be lawful for the members of the Washington Literary Society of Bethel College, as often

1858.

Officers, when
to be elected,
&c.

as be required by their constitution, to elect a President, Vice President, Secretary, Treasurer, and Librarian, who, upon their election, shall enter upon the duties required by the constitution of the society; and the President, Vice President, Secretary, Treasurer, and Librarian, so chosen, and their successors, shall be the corporation, and shall take and hold, for the use of the society, all the goods, chattels, estate, and funds of said society, and in the corporate name may sue and be sued; and in all suits against the corporation service of process upon the President for the time being shall be good against the said corporation.

§ 3. That the members of said society shall also have power and authority to ordain and establish such rules, by-laws, and regulations, for their government, as they may deem proper and necessary, and are not inconsistent with the constitution and laws of the Commonwealth, and the charter, laws, and regulations of Bethel College; they may also appoint such subordinate officers as they may deem proper and necessary for the transaction of the business of said society, and may remove each subordinate officer at pleasure; but the President, Vice President, Secretary, Treasurer, and Librarian shall hold their offices until their successors are chosen, as prescribed in this act.

May make by-
laws, &c.

§ 4. That all property belonging to said society shall be and the same is hereby vested in the said society as fully and completely as if the same had been acquired after the passage of this act.

Property, in
whom vested.

§ 5. That it shall not be lawful for said society, at any time, to make a distribution of its property, its funds, or any portion thereof, among the members of said society; and in case the said society shall at any time become extinct, then all its property, of whatever kind or nature, shall thereby become vested in the Trustees of Bethel College, who shall act as guardians over said property; and in case at any future time the said society shall be reorganized then all this property will again revert to the members of said society.

§ 6. That said society shall have power to confer diplomas upon those of its members leaving the institution in good standing, &c., all of which shall be subject to the faculty of Bethel College.

May confer di-
plomas.

§ 7. That the right shall be and the same is hereby reserved to the Legislature to amend, alter or repeal this act at pleasure.

Approved February 3, 1858.

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CHAPTER 195.

AN ACT to amend the charter of Ewing Female Institute at Perryville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Former act repealed.

§ 1. That so much of the first section of the act incorporating the Ewing Female Institute at Perryville, approved March 10, 1856, as appoints Wilson Green, J. J. Polk, M. A. Camp, A. Minor, Thomas Prewitt, W. H. Mitchell, A. G. Yankee, J. W. Durham, J. H. Hopper, A. Williamson, Samuel Crawford, William Armstrong, D. Buckner, and John Smith, Trustees of said Institution, be and the same is hereby repealed.

Trustees named.

§ 2. That Samuel Crawford, M. A. Camp, and William Armstrong, of the Presbyterian church; James L. Tucker, John B. Todlock, and James P. Mitchell, of the Methodist church; Daniel Buckner, of the Baptist church; John L. Bailey, of the Reform church; and William D. Latimer, and their successors in office, be and are hereby appointed Trustees of said Institute, with all the powers and duties conferred on the Trustees by the original act to which this is an amendment.

Now Trustees to be appointed.

§ 3. That in the appointment of successors hereafter to be made to fill vacancies, the same order shall be observed as to sects or denominations as is observed in the preceding section of this amendment.

Approved February 3, 1858.

CHAPTER 198.

AN ACT for the benefit of the Trustees of School District No. 22, in Whitley county.

Whereas, it appears to the satisfaction of the present General Assembly of the Commonwealth of Kentucky that through a clerical mistake of the Commissioners of common schools for Whitley county, made to the superintendent of education for the year 1854, that Common School District No. 22, in said county, was, by said Commissioner, reported to be sixty children, instead of ninety, as reported to said Commissioner by the Trustees of said district, by which mistake the Trustees of said district sustained a loss of twenty-one dollars. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasury in favor of the Trustees of said district, to be paid out of any money belonging to the school fund of Whitley county, for the sum of twenty-one dollars: *Provided*, that should there

be no uninvested fund belonging to said county at present that so soon as any such uninvested fund may accrue to said county the same shall be used in liquidation of the above sum.

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§ 2. This act shall be in force from the day of its passage.

Approved February 3, 1858.

CHAPTER 199.

AN ACT to establish Magistrates' Districts in Letcher county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be a precinct established upon the Line fork, in Letcher county, and shall include all the inhabitants upon said fork, and the waters thereof, and the voting place therein shall be at George Isums, Sr.

§ 2. There shall be another precinct established in the county of Letcher, bounded as follows, to-wit: Beginning at Levi Eldridges, on the Rockhouse fork of the Kentucky river; thence a straight line to the head of Hogg's branch; thence a straight line to the upper end of James Hogg's, Jr., plantation, including all of the inhabitants on said Hogg's branch in this district; thence a straight line to King's creek, at the upper end of the farm where Mathew Caudell now lives; thence a straight line to the dividing ridge between the Kentucky river and the Line fork; thence with said ridge to the mouth of said fork; thence down the river to the Perry and Letcher line, at the lower end of Samuel Lusk's plantation; thence with the Perry and Letcher line to the top of the ridge beyond Bull creek; thence with said ridge to the dividing ridge between Bull creek and the Rockhouse fork; thence a straight line to the beginning; and the voting place therein shall be at Thomas Dixons.

§ 3. That the Magistrates and Constables now in office upon said Line Fork, shall have jurisdiction over the inhabitants upon the Line fork until the next August election. That the Magistrates and Constables in the district in Letcher county adjacent to the second district made by this act shall have jurisdiction over the inhabitants in said district until the next August election.

§ 4. That at the next August election the legal voters of each of the two districts made by this act shall elect two magistrates and a constable, who shall hold their office until the next regular election for such offices, at which time said districts will be governed by the law now in force.

§ 5. That this act shall take effect from and after the first day of March next.

Approved February 3, 1858.

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CHAPTER 200.

AN ACT to incorporate the Paris and Clintonville Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporate name
and style.

§ 1. That a company hereby constituted a body politic and corporate, under the name and style of the "Paris and Clintonville Turnpike Road Company," with a capital stock of thirty thousand dollars, to be divided into shares of fifty dollars each, for the purpose of making an artificial McAdamized Turnpike from the town of Paris, or some point on some corporated turnpike road leading from Paris to the town of Clintonville, in Bourbon county, and thence to the county line of Bourbon county, in the direction of Combs' Ferry, in Clarke county; and by that name shall be competent to sue and be sued in all the courts of this Commonwealth; to acquire, hold, and possess all such real and personal property and estate as may be necessary for the route of said road; also, all necessary stone, earth and timber necessary for the construction of said road, and a sufficient quantity of land for the dwelling places of keeping the toll gates; to have a common seal, and alter the same at pleasure, and to make such rules and by-laws as may be necessary for the construction, use, and management of said road.

Powers, &c.

Width of road,
&c.

§ 2. That the width of said road shall not, at any point where it will admit of it, be less than thirty feet, and the metal part of it shall not be less than fifteen feet.

Commissioners,
their duties &c.

§ 3. That Volney Hildreth, Sydney Clay, Montgomery Hildreth, and Thomas Jones, or any three of them, be appointed Commissioners to open books for the subscription of the stock aforesaid, at such times and places as any three of them may deem expedient, and to take the obligations of the subscribers of stock for subscriptions to said road.

When company
to be organized.

§ 4. That when five thousand dollars shall have been subscribed, said Commissioners, or any three of them, may call a meeting of stockholders at the house of Volney Hildreth, or at the Circuit Court Clerk's office in Bourbon county, at such time as they may think proper, and the said stockholders may, in person or by proxy, proceed to choose a President and four Directors, in whom shall be vested all the powers of a corporation for the construction and management of said road, and also a Treasurer, who may be required to give bond with approved security, for the faithful performance of his duties. Each share of stock shall entitle the owner to one vote. An annual election of Directors shall take place, after the first election, on the first Saturday of January in each year, but the time of the election may be changed by a majority of the whole of the stockholders. No person shall be a President or Director unless he be a stockhold-

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er. Vacancies in any of the offices of said company, may be filled by the Board of Directors, until the next annual meeting; and if, from any cause, an annual meeting to elect officers, there is a failure to meet, the directors and officers then holding, shall continue in office till their successors be chosen.

§ 5. All corporations and companies may, and they are hereby authorized to take stock in said road, under such regulations as the board of directors may direct; and the capital stock of the company may be enlarged if necessary.

Other corporations may take stock.

§ 6. So soon as said company shall be organized, the board of officers shall possess all power to lay out the route for said road, and acquire land therefor, which is usually possessed by turnpike road companies, but said road shall be commenced in three years after the passage of this act, else this charter is forfeited.

Powers of Board of Directors, &c.

§ 7. When five continuous miles of said road shall be completed, the company may erect a toll gate, and charge toll thereat, and charge additional toll thereat for every additional five miles of said road: *Provided*, That the said company may have two toll gates between Paris and Clintonville, and if a second toll gate is erected, the charge shall be in proportion to the increased distance and travel over five miles.

May erect gates, &c.

§ 8. That the company which is incorporated, or which has taken proceedings in the County Court of Bourbon county to form a corporation, under the style of the President, Directors and Company of the Paris and Clintonville Turnpike Road Company, may, if they deem it expedient, transfer their stock to the company hereby incorporated, the right of way and site of said road already acquired, and contracts for making said road, and amalgamate and unite their stock upon such terms as the President and Directors of the company hereby incorporated, by written order or resolution, to be entered on the record book of the company hereby created may think expedient, but such transfer of the stock of the company which has been incorporated by the County Court aforesaid, or which has taken proceeding with the purpose of such incorporation, shall not be made unless at a meeting, to be called for that purpose, a majority of such stockholders in number and amount of shares shall assent to such amalgamation and transfer, and the persons who have made contracts shall consent to the transfer aforesaid.

Another company may make transfer to this.

§ 9. Three toll gates may be kept between Paris and the county line, and the toll charged at each shall be in proportion to the distance from one to another gate, or the travel on said road.

Number of gates, &c.

§ 10. The Treasurer shall be the Secretary of said Company, and shall keep a record of the proceedings of the

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President and Directors, which shall be open to the inspection of the stockholders or any one interested in the actings of the company: *Provided*, That nothing in this act shall be so construed as to give the proceedings and judgments of the Bourbon County Court greater force than they had before the passage of the act, nor shall this act deprive any one of any rights which they had to resist the location of said road which they would have had if this act had not passed.

Approved February 3, 1858.

CHAPTER 203.

AN ACT to incorporate Dunavan Lodge, No. 292, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Dunavan Lodge, No. 292, of Free and Accepted Masons, in the county of Nelson, be and they are hereby created a body politic and corporate, by the name and style of "Dunavan Lodge, No. 292," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of purchasing and holding all such real and personal estate as may be required for the use and accommodation of said Lodge; to receive all necessary conveyances; to sell, convey, and to dispose of all such real and personal estate as they may now have, or may hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the present Master and Wardens of said Lodge, and their successors in office, as Trustees thereof, who, or a majority of them, shall have full power to make all contracts pertaining to the real or personal estate in any respect either in purchasing, building, renting, selling, or for any other purpose, which shall be binding and obligatory upon said Lodge, when made in pursuance of the rules, by-laws, and instructions of said Lodge; and service of process on any of said Trustees shall be sufficient notice to said Lodge.

§ 3. The Legislature reserves the right to alter, amend or change this act at pleasure.

Approved February 4, 1858.

CHAPTER 205.

1858.

AN ACT to incorporate the New Castle and Carrollton Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed, and created a body politic and corporate, by the name and style of the "Newcastle and Carrollton Turnpike Road Company," for the purpose of making a turnpike road from Newcastle, in the county of Henry, to Carrollton, or to the Kentucky river opposite Carrollton, in the county of Carroll.

Corporate name and style.

§ 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. The books for the subscription of stock shall be opened by Wm. S. Pryor, Thomas Foree, I. N. Webb, Wm. Winslow, George Ringo, James Hisle, H. Bryant, and Henry Foree, who are hereby appointed Commissioners for said purpose, at such times and places as they, or a majority of them, shall deem proper. When the sum of twenty thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of the commissioners named in this section, to give notice in such manner as they may think proper, for a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing a President and ten Directors; one vote shall be allowed for each share of stock; and the President and Directors so elected shall continue in office for one year, and until their successors are elected and qualified. The times and places of all elections, after the first, shall be fixed by the President and Directors; and a majority of the board shall be necessary to transact business.

Commissioners, &c.

§ 4. So soon as said company is organized by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name and style of the "Newcastle and Carrollton Turnpike Road Company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a company; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking or holding by purchase or gift, all such lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of their work, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity, or elsewhere; also, to have and use a common seal, and generally to do every and any act, matter, or thing which a corporation may lawfully do, to effect the objects for which this company is created.

When company organized, &c.

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President and
Directors, their
powers, &c.

§ 5. Said President and Directors shall fix and regulate the elevation and grade of said road, the width and the part thereof to be covered with stone or gravel; shall designate the points at or near Newcastle and Carrollton where said road shall commence and terminate; shall designate the several places for the erection of toll gates; may fix the rates of toll, and change and alter the same, but said rates shall not exceed those prescribed by the general law of this State. The President and Directors shall have power, after four miles of said road shall have been completed at either end, to erect a gate and collect toll, and shall apply the proceeds thereof to the completion of said road.

May survey
road, &c.

§ 6. The President and Directors, with their surveyors, engineers, artists, and chain carriers, are hereby authorized and empowered to enter in, and upon the lands and enclosures, public roads, and highways, in, through, and over which the intended road may pass, and to examine and survey the ground most proper for that purpose; to examine quarries or beds of stone, gravel, and other material necessary for the construction of said road.

How land and
materials con-
demned.

§ 7. It shall be lawful for the President and Directors, with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, and their beasts of draught or burthen, to enter upon the land, in and over, contiguous and near to which said road shall pass, having first given notice of their intention to the owner or occupiers thereof, or their agents: *Provided*, That if the President and Directors shall not agree with the owners of said land, through which said road is to pass, as to the damages the owner or owners may sustain by the road passing through their lands, the President and Directors shall apply to the County Court of the county in which said lands are situated for a writ of *ad quod damnum*, to assess the damages which may be sustained by the owners of said land; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages, by the establishment of said road; and upon the payment, or tender of the damages assessed, it shall be lawful for the President and Directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road.

Notice of calls
on stock.

§ 8. The President shall give notice in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall neglect to pay his amount of stock so called for, for the space of thirty days after the time of payment, such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month

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for every delay of payment; and if he shall fail to pay the amount of call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares of stock to the corporation, together with the amount he shall have paid thereon: *Provided*, That no stockholder shall vote at any election, or be entitled to any rights of a member of said company, unless the whole amount due and payable, as aforesaid, on each share by him held, shall have been paid agreeable to the requisitions of the President.

§ 9. The President and Directors shall appoint a Treasurer, and such other officers as they may deem necessary, with such compensation for their services as the President and Directors may deem just, who shall hold their offices until others shall be appointed and qualified. The Treasurer of said company, before he enters on the duties of his office, shall give bond and security in such penalty as the President and Directors may require, payable to them, conditioned to pay over any amount in his hands, to the order of the President and Directors.

Treasurer and other officers.

§ 10. That if any person shall go around or turn off from said road, with the fraudulent intent of avoiding the payment of toll as found by the President and Directors, aforesaid, he or they shall, on conviction thereof before a Justice of the Peace, be fined five dollars, to be collected as other sums under the jurisdiction of Justices of the Peace of this Commonwealth.

Penalty for avoiding gate, &c.

§ 11. The whole width of said road shall be thirty-five feet.

Width of road.

§ 12. The road may be commenced at each end as soon as the company is organized, if the President and Directors shall deem it expedient.

Approved February 4, 1858.

CHAPTER 207.

AN ACT for the benefit of Eleanor G. Vance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Eleanor G. Vance is hereby made capable in law of making contracts, and of acquiring and holding property, real or personal, free from the control of her husband, William R. Vance, and in the same manner as if she were a *feme sole*; and she may dispose of any property that she may acquire by gift or purchase, or by last will and testament.

§ 2. This act shall take effect from and after its passage.

Approved February 4, 1858.

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CHAPTER 208.

AN ACT for the benefit of J. D. Mannen and J. R. Gordon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of one hundred dollars is hereby appropriated for the benefit of John D. Mannen, of Warren county, and fifty dollars for the benefit of J. R. Gordon, of Calloway county, to be paid out of any moneys not otherwise appropriated, and the Auditor is hereby directed to draw his warrant on the Treasurer for the same.

§ 2. That this act shall take effect from and after the 15th day of February, 1858.

Approved February 5, 1858.

CHAPTER 209.

AN ACT to change the place of voting in Hendronsville presinct, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act the place of voting in the Hendronsville precinct, in Henry county, be changed to Jerico, in said county.

Approved February 5, 1858.

CHAPTER 210.

AN ACT to change the place of voting in the Meadow creek District, in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the place of voting in the Meadow creek District of Whitley county, shall hereafter be at Berry's Mills, instead of the place now fixed by law. This act shall be in force from its passage.

Approved February 5, 1858.

CHAPTER 211.

AN ACT to incorporate De Kalb Lodge, No. 12, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Nathaniel Shaffer, Christopher Russell, Robert A. Cochran, James G. Spalding, Elijah C. Phister, Richard Dawson, and Theodore B. Brickel, and their associates, be and they are hereby created a body corporate, by the name and style of "De Kalb Lodge, No. 12, of the Inde-

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pendent Order of Odd Fellows;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States, or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved February 5, 1858.

CHAPTER 212.

AN ACT to incorporate the Citizens Fire Company, No. 3, of Covington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. J. Thomas, James Fisher, O. A. Whitcomb, John Heltemes, John O. Donnell, Wm. C. Munger, and Robert Howe, and their associates, are hereby created a body politic and corporate, by the name and style of "Citizens Fire Company, No. 3, of Covington, Kentucky;" and as such shall have perpetual succession, and may be and are hereby declared to be capable in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any action or suit in any court whatever; and may have and use a common seal, and change the same at pleasure.

Corporator's names.

§ 2. The said company shall have the right to purchase, take, and hold a Fire Engine, Hose, and the necessary apparatus and tools for the use and repair of the same; to sell, convey, and purchase other engines, hose, &c.; they may purchase and hold, in the city of Covington, as much ground as may be required for a convenient engine house and place to transact their business; and it shall be their duty to organize themselves as a fire company, and keep an engine, hose, and necessary dependent apparatus for

May purchase and hold property.

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extinguishing fires, at all times in good order and repair, and on the alarm of fire to repair to the same with their engine, &c., and use due diligence for the extinguishment of the same; and they shall transact no other business than that belongs to a fire engine and hose company.

May make by-laws, &c.

§ 3. That it shall be lawful for said company to make all needful rules and by-laws, with adequate penalties, for the government of said company, and preservation of the property of the same, that they may deem proper, not contrary to the laws of this State, or the United States.

President and Directors.

§ 4. The management of the property of said company and its government, shall be under the direction of a President and four Directors, chosen at such time and place, and by such persons as the by-laws of the company shall direct; and they may have a Secretary and Treasurer, and keep a record of their proceedings.

Number of members.

§ 5. The members of said company are not to exceed three hundred, and shall be exempt from military duty, except in time of war, and from serving on all juries and venires. The Secretary of said company, on or before the first February, in each year, shall furnish the Clerk of the Circuit Court, and the Sheriff of the county, with a list of the names of the members of said fire company.

Approved February 5, 1858.

CHAPTER 212.

AN ACT for the benefit of the personal representative of William B. A. Baker, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of William B. A. Baker, deceased, late Sheriff of Mason county, be authorized to list with the proper collecting officers of this Commonwealth all fees and arrearages of taxes due to the said Baker at the time of his death, and also to list with said officers all fees due to other persons placed in the hands of said Baker whilst Sheriff for collection, and which remained uncollected at the time of his death; and that the officers with whom said demands, or any of them, may be listed by said personal representative for collection, shall have the further time of two years in which to distrain for and collect the same.

§ 2. That before any officer in whose hands said demands may be placed for collection, as aforesaid, shall be authorized to distrain for said demands or any of them, the personal representative of said Baker shall, in the County Court of Mason county, give bond with good personal security, to be answerable according to the laws

now in force to any person or persons who may be injured by the issuing of any illegal fee bill due said Baker, or for any illegal distress or other improper conduct in the collection of said demands.

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§ 3. This act shall take effect from and after its passage.

Approved February 5, 1858.

CHAPTER 214.

AN ACT to amend the charter of the Ashland Fire, Marine, and Life Insurance Company.

Whereas, the shareholders of the Ashland Fire, Marine, and Life Insurance Company failed to hold an election for President and Directors of said company, as provided for by the third section of the act to which this is an amendment. Therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of said Ashland, Fire, Marine, and Life Insurance Company, be so amended as to authorize the shareholders thereof to meet at any time within three years from and after the passage of this act, at the place designated by the third section of said act, for the purpose of electing a President and Directors, as provided for therein, who shall continue in office until the first Monday in June of the ensuing year, and until their successors shall be elected, as is provided for in the act to which this is an amendment.

Company may organize within three years.

§ 2. That the capital stock of said company is hereby increased to three hundred thousand dollars.

Capital stock.

§ 3. It shall be lawful for said corporation to invest any part of its capital stock, moneys, funds, or other property, in any public stock or funded debt, created, or to be created, by or under any law or laws of the United States, or of this or any other particular State, or in the stock of any chartered bank or corporation in this State, or in the United States, and the same to sell and transfer at pleasure, and again invest the same, or any part thereof, in such stocks or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds, shall require; or it may loan the same, or any part thereof, to individuals or public corporations, on notes or bills well secured by real or personal security, for such periods of time, and under such restrictions and limitations, as the President and Directors shall deem prudent and best for the interest of said corporation; but said corporation shall in no case exercise the business of banking, by issuing notes as an incorporated bank: *Provided, however,* That in all loans of

May invest money in stocks &c.

May loan money, &c.

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money, and discounts of notes and bills, the said company shall not take greater rates of interest, discount, or exchange than the incorporated banks of issue of this State are allowed to take by law.

Approved February 5, 1858.

CHAPTER 215.

AN ACT to amend the charter of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When Judge
and Marshal to
be elected.

§ 1. That the Judge, Marshal, and Clerk of the city of Paducah shall hereafter be elected at the same time, in the same manner, and for the same length of time, and possess the same qualifications, as the County Judge, Sheriff, and County Court Clerk. And the Marshal shall have full power to serve all civil process, and collect in civil cases.

Fines may be
paid by work on
streets, &c.

§ 2. That in all cases tried either before the the City Judge or jury, for an infraction of the penal laws or city ordinances, where the penalty is fine or imprisonment, or both, and the party found guilty is unable to pay the fine, or has been ordered to prison, the Judge may order the defendant to work upon the streets or alleys or wharf in said city, under the superintendence of the city marshal, at the rate of one dollar and a half per day until the fine is paid; and if the judgment or verdict is for imprisonment only, then the defendant, under like order of the Judge, shall perform like work on the streets and alleys for the same period of his confinement; and no person shall be put in jail before a trial, unless the Judge shall so direct in writing.

When suits to
be commenced.

§ 3. That all actions or suits against the city, or any of its officers, shall be prosecuted in twelve months from the day the cause of action accrued, and not thereafter.

Costs, how
assessed.

§ 4. If two or more defendants are arrested under the same precept, and all tried under the same, and at one time, but one attorney's fee of two dollars and fifty cents shall be taxed as costs for the city attorney against the defendant or defendants found guilty. For good cause shown to the court, by any of the defendants, a separate trial shall be awarded him: *Provided*, That no attorney's fee shall be taxed except where same is now taxed by law.

Repealing
clause.

§ 5. All laws in conflict with the foregoing sections shall be repealed, and this act shall take effect from its passage.

Judge shall
hold monthly
courts, &c.

§ 6. That the City Judge of Paducah shall hold a court at the Court House in Paducah, on the first Monday in each month, for the purpose of trying all civil

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suits and motions that may be brought or made in said court; he shall have jurisdiction in all civil causes, (except those causes originating in said county outside of the city limits,) when the amount in controversy does not exceed one hundred dollars, including actions against steamboats and their officers and owners; and the provisions of the Revised Statutes and Civil Code of Practice, and amendments thereto, shall apply to this court so far as they are applicable; and ten days actual service of process, or twenty days constructive service on non-resident defendants, and the appointment of an attorney to defend, shall be sufficient to authorize a trial of the cause; but no suit involving the title or boundary of land or town lots shall be brought or prosecuted in said court; and the City Clerk shall act as the Clerk of this court, and entitled to the same fees, and shall be under the same responsibilities as the Circuit Court Clerks of this State. That all elections by the people under the charter shall be by *viva voce*; and the Council shall have power to declare the office of Clerk vacant, when the incumbent, for drunkenness or other good cause, is unable to discharge the duties of his office, and fill the vacancy by appointment.

Approved February 5, 1858.

CHAPTER 216.

AN ACT to amend the charter of the Covington and Cincinnati Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Covington and Cincinnati Bridge Company shall have full power and authority to proceed and condemn any and all real property that may be necessary for the location, erection, or convenience of its bridge, toll-house, abutments, piers, anchor pits, or approaches to said bridge, or to be in any way and for the convenience of the same, under a writ of *ad quod damnum*. The Mayor of the city of Covington, or the County Judge of Kenton county, may issue the writ, upon the application of said company, and shall preside at the trial, which shall be held at the Mayor's office, in said city, or other convenient place designated by the officer issuing the writ; and the jury summoned by virtue of said writ shall consist of twelve freeholders, who, upon view of the property to be condemned, and, if necessary, hearing testimony, shall assess the cash value, in damages, which the proprietor or proprietors of said property will sustain by the appropriation of the same in the manner proposed. At least five days notice shall be given, prior

May condemn
real estate, &c.

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to the trial, when the proprietor or proprietors of the property reside in the State of Kentucky, and when any proprietor of such property shall be non-resident of, or absent from this State, and personal service cannot be had, then at least thirty days notice shall be given, in a newspaper published in Covington, and in one published in Cincinnati, Ohio, and notice shall be served upon the agent of the proprietor, if he has one in the State. Should either the Bridge Company or any proprietor of such property be dissatisfied with the finding of the jury an appeal may be taken to the Circuit Court of Kenton county, when the trial shall be had as in other ordinary cases. Should the Bridge Company wish to use the property during the pendency of an appeal it may do so, on depositing the amount of the finding in any specie paying bank in Covington, to the credit of the proprietor or proprietors of the property.

May increase
capital stock.

§ 2. Said company shall have power and authority to increase its capital not exceeding three hundred thousand (\$300,000,) and may contract to receive any property in payment for subscriptions to its stock, or any work to be applied towards the construction or erection of the bridge, or its anchorage or approaches: *Provided*, That when the company receive real estate in payment of stock, it shall sell the same within one year thereafter, if cost and interest thereon can be obtained, and in any event it shall not hold real estate longer than five years, except it be such as may be necessary or convenient for the use of the Bridge.

City of Covington may levy tax to pay subscription, &c.

§ 3. That the city of Covington shall have and is hereby vested with full power and authority to levy and impose a tax upon the taxable property of the city, and upon whatever else is taxable by the charter of said city, to produce an amount sufficient to make good the loss or discount at which the ninety bonds of said city of one thousand dollars (\$1,000) each, taken by said company, may be sold, said bonds having been passed to said company at par value, in payment of \$90,000 of said city's stock subscription: *Provided*, That this amount shall not exceed the actual loss which the company may sustain in disposing of said bonds: *And, provided*, That in no event, shall more than thirty-one thousand five hundred dollars (\$31,500) be paid to said company by said city, on account of such loss or discount; also, to levy and impose a tax for the payment of the interest on said bonds, until the dividends on the city's stock shall pay the same; or said city may levy and impose a tax, sufficient to produce ninety thousand dollars, (\$90,000) and therewith redeem the bonds so given to said company: *Provided*, That no tax shall be levied for the purpose of redeeming said bonds, nor for the payment of said \$31,500, nor any part

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thereof, exceeding one per cent. per annum, nor until the question of levying such tax shall be submitted to the decision of the qualified voters of the city, at an election held for that purpose, which election may be ordered and notice thereof be given by the City Council of said city whenever, and in what manner soever it may deem it expedient to do so. If a majority of the votes cast at such election be in favor of said tax, it shall be levied. That in case it shall be decided to levy a tax for the purpose of redeeming said bonds, then the tax payers shall have stock of said company issued to them for the amount of the tax paid, when certificates or receipts for the payment of such tax shall be presented amounting to a share or shares of stock. The tax receipts shall be transferable by assignment, and when assigned the holders thereof shall have all the rights which the original holders possessed; and such tax receipts shall entitle the holders thereof to *pro rata* dividends, though the amount or amounts thereof be less than a share of stock: *Provided*, That the stock issued to said city, in consideration of the said ninety bonds, shall be returned to said company as the bonds shall be redeemed or paid by the tax provided for in this section. Said City Council shall have the same power and authority to collect the taxes which may be levied and imposed under authority of this amendment, for the payment of the interest on said bonds, and to make good any loss said company may sustain in disposing of the same, not exceeding the \$31,500 above stated, or to provide the means to redeem said ninety bonds, as it now has to collect the ordinary revenue tax of the city.

§ 4. That copies of the records or papers of said company, belonging to its office, certified by the Secretary of said company, shall be evidence in all courts and places where the originals would be.

§ 5. That whenever said company shall give notice, by advertisement in a newspaper published in Covington and in one published in Cincinnati, that subscriptions of preferred stock will be received, it may receive subscriptions for and issue such stock as follows, viz: *First*. All persons holding stock taken prior to the publication of such notice, who may, within sixty days after its publication, subscribe for additional stock, after they have paid for their first stock and for their additional stock, shall be considered preferred stockholders to the extent of such additional stock taken, and to the further extent of a proportion of their original stock held prior to the date of said notice, not exceeding the amount of such additional subscription; the additional subscriptions shall be payable in such installments as the Directory of the company may require, and be subject to like forfeiture as the original stock. *Secondly*. After said notice shall have been

Tax-payers to
have stock in
company.

Subscriptions
received and
certificates to be
issued, &c.

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Dividends to be
declared, &c.

published sixty days, if the amount of stock which the company desire to have taken shall not have been subscribed by persons previously stockholders, other persons, not previously stockholders, may subscribe, until the amount of stock which the company wish to have taken be subscribed, and those who thus subscribe and pay for stock shall be considered preferred stockholders, to the extent of the stock taken by them. Dividends may be declared by said company either monthly, quarterly, semi-annually, or annually; and all preferred stockholders shall be entitled to dividends at the rate of six per cent. per annum on their preferred stock, whenever the whole net receipts of the company amount to so much as will produce at the rate of six per cent. per annum on the preferred stock; and whenever the whole net receipts of the company amount to less than will produce at the rate of six per cent. per annum on the preferred stock, then the dividends shall be made to the preferred stockholders only. Whenever the total net receipts of the company exceed an amount sufficient to pay the preferred stockholders a dividend at the rate of six per cent. per annum, and net as much as, or more than will pay at the rate of six per cent. per annum on *all* the stock, then such excess shall be apportioned among the non-preferred stockholders. But whenever the total net receipts of the company amount to as much as or more than will produce dividends at the rate of six per cent. per annum on *all* the stock, then all stockholders, including the non-preferred, shall receive dividends at the same rate, one with another. The first dividend year shall be considered as commencing on the day the company begin to receive tolls on the bridge, and the same day in each successive year shall be the commencement of that dividend year: *Provided, however,* That the company shall not be allowed to receive subscriptions for, nor to issue any preferred stock, until the stockholders of said company, at a regular meeting, or at a meeting called by order of the Directory, shall adopt the above amendment, providing for and indicating the manner in which such stock shall be subscribed and issued. A majority of the stock subscribed shall be necessary therefor.

May borrow
money, &c.

§ 6. That said company may borrow money, not exceeding six hundred thousand dollars, (\$600,000,) on the credit of the corporation, and may pledge any and all of its property, rights, tolls, income, and franchises, by mortgage, for the security and payment of the interest and principal of any of its debts, and may issue bonds therefor, at such rates of interest and payable—the principal and interest—at such times and places, and to such amounts as the Directors of said company shall deem requisite for its interest, and may sell and dispose there-

of at such rates and on such terms as the company may determine. The bonds issued by the company, or any portion thereof, may be made and issued convertible into the stock of the company, on such conditions as the company may prescribe.

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§ 7. That when the stockholders of said company, at any regular meeting, or at any meeting called by order of the Directors, adopt the above amendments, or any portion thereof, the portion so adopted shall become a part of the charter of the company; and a portion may be adopted from time to time. A majority of the stock subscribed shall be necessary therefor.

Company to
vote on amend-
ments.

Approved February 6, 1858.

CHAPTER 217.

AN ACT legalizing certain acts and sales of the Marshal of Brandenburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any deed or deeds of conveyance heretofore made by the present Marshal, or by any Marshal preceding him, of the town of Brandenburg, of any lot or lots or fractions of lots in said town, be and the same is hereby legalized. This act to take effect from its passage.

Approved February 6, 1858.

CHAPTER 218.

AN ACT to amend the charter of Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Columbus, in Hickman county, be and the same is hereby so amended as to authorize and empower the Trustees of said town to assess and collect taxes on the real and personal estate of said town, not exceeding one dollar and fifty cents on each one hundred dollars worth of property in said town, and a levy not exceeding one dollar and fifty cents for each tithe in said town.

§ 2. That the proceeds created under the first section of this act be expended by the Trustees in the improvement of the streets of said town.

Approved February 6, 1858.

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CHAPTER 219.

AN ACT to incorporate Alma Lodge, No. 322, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the present members of Alma Lodge, No. 322, of Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Kentucky, be and they are hereby created a body politic and corporate, by the name and style of "Alma Lodge, No. 322," and as such shall have perpetual succession, and be capable, in their corporate capacity, of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of law and equity; may have and use a common seal; shall be capable of receiving, acquiring, and holding, either by gift, purchase, or devise, or otherwise, any estate, either real or personal, necessary for the support of said Lodge, not exceeding ten thousand dollars in value, and may lease, mortgage, rent, sell, and convey the same; and shall have power to make, amend, alter, and enforce all by-laws, rules, and regulations for the government of said corporation, and for the management of its property, as may not be inconsistent with the laws and constitution of this commonwealth and of the United States.

§ 2. That the General Assembly shall have power to amend or repeal this act at pleasure. But a repeal of this act shall not divest the members of said Lodge of their property held under it.

Approved February 6, 1858.

CHAPTER 220.

AN ACT for the benefit of Robert Fluty and Jacob Rice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Fluty, late Sheriff of Estill county, be and he is hereby allowed the further time of two years, from and after the passage of this act, to make out and collect all his uncollected fee bills; and that said fee bills, when made out, shall have all the distrainable force that other fee bills have by existing laws: *Provided*, That he and his sureties shall be liable to all the penalties imposed by existing laws for issuing illegal fee bills.

§ 2. That the provisions of this act shall also apply to Jacob Rice, of Carter county.

Approved February 6, 1858.

CHAPTER 221.

1858.

AN ACT to amend the charter of the City of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the following sections shall constitute amendments to the charter of the city of Newport, and all laws relating to said city conflicting therewith are repealed:

Repealing clause.

§ 1. The name and style of the corporation shall hereafter be the City of Newport, and by that name it may sue and be sued, contract and be contracted with, and do all such acts and things as municipal corporations may lawfully do.

Name and style.

§ 2. The wards of the city shall be as nearly equal in voting population as may be, having regard to permanent boundaries, and may be changed from time to time by ordinance, as a due regard to equality in population may require, but no change in the boundaries of the wards shall be made at any time within twenty days of a general municipal election. Until the same are changed by law or ordinance, the present number and boundaries of wards shall continue; and the number of wards shall not exceed six, until the voters of said city shall exceed thirteen hundred.

City to be laid off in wards, &c.

§ 3. The general municipal elections of the city shall be held, annually, on the first Monday in March, between the hours of six o'clock in the morning and seven o'clock in the evening; and the laws of this Commonwealth relating to frauds, bribery, and illegal voting, shall apply to the municipal elections, and they shall be conducted in the same manner, and according to the rules prescribed in State elections, except that the City Council shall appoint the officers to hold them, and open and examine the returns thereof; and at such elections all persons having the qualifications of voters of this Commonwealth, and who have resided sixty days in the city, and in the wards in which they may offer to vote for ten days next before the election, shall be entitled to vote.

General elections, &c.

§ 4. The legislative power of the city is vested in a board, to be styled the "City Council of the City of Newport," composed of two members from each ward, having the qualifications of voters of the city for one year next before their election, who shall be chosen annually by the qualified voters of the several wards.

Legislative powers, in whom vested.

§ 5. The City Council has power to pass all by-laws and ordinances necessary for the good government and general police of the city, and to carry into effect the provisions of this or any other act relating to the city. To levy and collect a general *ad valorem* tax on the taxable property of the city, not exceeding one dollar on each one hundred dollars of valuation, and a tax on each tithable in the city of not exceeding one dollar

Powers, &c., of city council.

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and fifty cents, but no ordinance levying a tax for general purposes, shall continue in force, except for the collection of the taxes levied under it, for a longer term than one year, unless repassed, but may be amended or repealed at any time; and the general tax ordinances shall be revised annually; nor shall any general city tax exceeding the sum of sixty cents on each one hundred dollars of valuation, be levied, unless concurred in by a majority of all the voters of the city voting at an election for that purpose; and in all revisions of the city taxes, the City Council is limited to raising a sum sufficient, as shown by the annual estimates, to meet the ordinary expenditures of the city, including the interest of the city debt payable in the several years, and the principal thereof falling due, together with any deficit for a preceding year, and one thousand dollars for contingencies; nor shall any general tax ordinance be passed unless the same be read and considered at two separate meetings of the board at least, unless three-fourths of all the members concur in dispensing with this rule; nor shall such ordinance be passed at any time without the concurrence of a majority of all the members of the board, upon a call of the yeas and nays.

To direct the opening, and grading, and paving, or bouldering, or McAdamizing of all or any part of any street, alley, or square in the city, upon petition of a majority in quantity of the owners of real estate abutting on the part to be improved, or without such petition if two thirds of all the members of the City Council concur, where a portion of the street, alley, or square has been already improved, or where the unimproved portion lies between two improved streets; and to levy and collect a special tax, at a rate per lineal foot, upon the real estate abutting on the part to be improved, to pay for the paving, bouldering, or McAdamizing.

To direct the owners of real estate upon any street, or part of a street or square, in the city, to improve and pave the side-walks in front of their real estate in such manner as to the council shall seem best; and if, after notice, in person or by publication, of not less than sixty days, any such real estate owner shall fail, refuse, or neglect to make such improvement or pavement, to cause the same to be done, and to levy special taxes on the real estate to defray the expenses thereof.

To appropriate money from the city treasury, either generally or specially, for city purposes—but all appropriations must be made either by ordinance or resolution in writing, and no appropriation shall be made unless concurred in by a majority of all the members elected to the board, upon a call of the yeas and nays.

To contract debts in the name of the city, by borrowing money for the use of the city, not to exceed, in addi-

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tion to the present funded debts, the sum of thirty thousand dollars, to be applied to the redemption of the floating debt of the city, but such debts must not be contracted unless provision be made to pay the interest accruing at stated periods and to redeem the principal in not exceeding thirty years; and for such debts the city may issue its bonds, with coupons attached, for an interest of not exceeding ten per centum per annum; and after such debts shall be contracted the City Council shall be prohibited from issuing city orders; and whether such debts be contracted or not, the City Council shall be prohibited from issuing city orders at the end of two years from the next municipal election; and in case the said loan is effected the City Council shall levy an additional tax to pay the interest thereof annually, and the principal at maturity.

§ 6. The City Clerk shall perform the duties of a City Auditor, and shall audit and keep the accounts of the city, and of the officers of the city. He must, at least once in each month, lay before the City Council a general statement of the finances of the city; and all the collecting and disbursing officers shall report monthly to him; and at the end of each fiscal year he shall lay before the City Council a detailed statement of the receipts and disbursements of the city, for the preceeding, and a detailed estimate for the succeeding year.

City Clerk, his duties.

§ 7. There shall be elected at the annual municipal election, two Assessors, who shall have the qualifications of members of the City Council; they must, before entering on the duties of their offices, each, execute bond with good security, to be approved of by the City Council, payable to the city of Newport, for the faithful performance of their duties according to law and the ordinances of the city; and they shall have a compensation for their services, payable out of the City Treasury, which shall be fixed at a rate per list by the City Council; they shall proceed, in each year, as soon after their qualifications as may be, to assess the taxable property and tithes of the city for general taxation, and report their assessments to the City Clerk before or during the first week in the month of May succeeding; and all vacancies occurring in the office of Assessor may be filled by appointment of the City Council.

Assessors to be elected, &c.

§ 8. The Assessors books shall remain in the City Clerk's office, open to the inspection of any one concerned; and the Clerk shall at once, on their being reported to him, cause duplicates thereof to be made out and filed with the City Treasurer, together with the tax bills; and until the first day of August next succeeding all tax payers shall have the privilege of paying their city taxes and tithes to the City Treasurer, and upon their doing so the

Assessor's books to be deposited with Clerk.

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penalty.

Treasurer shall deliver to them their tax bills receipted by him.

§ 9. All tax bills remaining unpaid on the first day of August, in each year, shall be charged with a penalty of twenty per centum thereon, and shall be listed by the City Clerk in a book to be kept for that purpose, and delivered to the City Marshal, or such collector as may be appointed by the City Council, he receipting the list thereof for collection, and first executing bond payable to the city of Newport, with good security, to be approved by the City Council, for the faithful performance of his duty, and to account for and pay over to the City Treasurer all money collected by him on such delinquent tax bills; and the City Marshal or Collector shall at once proceed to collect the delinquent bills and penalties, by visiting the delinquent tax payers, or their agents, if in the city, and distraining, if necessary, any personal property or slaves of the tax payers, and selling the same as in cases where like distress is made for taxes due this Commonwealth; and no personal property shall be exempt from distress for city taxes or tithes, except such property is now exempt from execution; and the City Marshal or Collector shall be allowed a per centum on all sums collected by him, to be fixed by the City Council, and paid out of the penalties added, and fifty cents for each distress, and one dollar for each sale, to be paid as costs by the tax payers, for which additional property may be distrained and sold at the same time; and the City Marshal or Collector must, by the first day of November in each year, make a return to the City Clerk of delinquent tax bills in his hands unpaid, with his affidavit on each, stating what he has done with such bill, and the same shall then be charged with a further penalty of thirty per centum, and the Marshal or Collector, with his surety, shall be liable upon his bond, by motion or action in the Mayor's Court, to pay the amount of taxes and penalty charged on any delinquent tax bill in his hands, and ten per centum damages thereon, where he may have failed or refused to discharge any of the duties enjoined upon him in the collection thereof, or for failing to return such delinquent tax bill as herein required.

Liens for taxes.

§ 10. Liens shall attach and exist upon all personal property and slaves of tax-payers in the city, for all general taxes and tithes, and penalties thereon, and upon real estate for the general and special taxes and penalties assessed thereon, from the time of the assessment, which take precedence over all other liens, except liens for taxes payable to this commonwealth, which may be enforced by direction of the President of the Council, by action in the Campbell Circuit Court, which court shall have jurisdiction thereof for any amount, as in ca-

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ses of other liens, after the tax-bills therefor shall be returned by the City Marshal or Collector unpaid; but all sales for the enforcement of any lien for city taxes shall be for cash, and the property so sold shall be redeemable at any time within twelve months from the day of sale, by paying to the purchaser, or to the Clerk of the Circuit Court for him, the amount of the purchase money, and one hundred per centum thereon; and the city of Newport may become the purchaser of any property at sales for the enforcement of liens in her favor, or under execution or distress in her behalf, and may sell and dispose of the same at pleasure; the city of Newport may also have an action and obtain personal judgment in the Mayor's Court for taxes and penalties thereon due her, after the same shall have been returned by the City Marshal or Collector, which shall be collected as other judgments are.

§ 11. Special taxes may be levied at any time when necessary, for the purposes herein specified, and when levied the Assessor shall at once proceed to assess the property for the same, and such assessments shall be returned within one month of the time the taxes are levied. The taxes shall be payable to the City Treasurer within two months after the time the assessments are severally made, and collected by distress by the City Marshal or Collector, within three months after the time for payment to the City Treasurer shall expire, and subject to like costs, penalties, and proceedings that general taxes are; and officers collecting the same are required to perform like duties, under like liabilities, as in cases of general taxes.

Special taxes may be levied.

§ 12. Any of the tax bills of the city of Newport may be assigned by the President of the Council, with the assent of the City Council, after the time for the payment thereof to the City Treasurer may have elapsed, and the assignee shall have the same lien and remedies for the collection thereof, that the city has.

Tax bills may be assigned.

§ 13. It is the duty of at least one of the Assessors to visit, personally, every tax-payer of the city, if in the city, if not, their agents, if any in the city, and to see and inspect all real estate assessed by them, and to examine all tax-payers or their agents, seen by them, on oath, touching the lists of such tax-payers; and should any tax-payer or agent refuse to furnish or disclose his list of taxable property, or to make oath touching the same, the Assessors shall report such tax-payer or agent to the Mayor's Court, and the court shall forthwith summon such tax-payer or agent to appear, and may order him to furnish his list to the Assessors under oath, and enforce such order by proceedings as in cases of contempt, and may fine such tax-payer or agent any sum

Duties of Assessors.

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not exceeding twenty dollars, and the costs of the proceeding; and in case the Assessors shall be unable to see any tax-payer or agent, they shall make out his list by the best means in their power, and from actual survey; but if, in the opinion of the Assessors, any valuation furnished by the tax-payer or his agent is too low, they shall assess the same at what they consider a fair valuation; and any one aggrieved by the assessment of his or her property, may apply to the Mayor's Court before the time for paying taxes to the City Treasurer has expired, and, upon evidence, have the same reduced by the court, and the City Clerk or President of the Council may, in like manner, have any valuation which is too low increased by the court; but after such time no reduction or increase shall be made, nor shall any money paid as city taxes be refunded after that time. Should either of the Assessors knowingly fail, refuse, or neglect to assess any taxable property or tithe in the city, as required by law, he, with his surety, shall be liable upon his official bond, by motion or action in the Mayor's Court, to pay the amount of the taxes properly assessable thereon, and fifty per centum damages; and the President of the Council, or City Clerk, may, after the Assessors have made their return, require them to assess any taxable property which may have been omitted by them, and make return thereof.

Collectors and
disbursing off-
cers, &c.

§ 14. No collecting or disbursing officer of the city, or person having in his hands money of the city, shall be allowed to retain thereout any sum for services or for claims which he may have or assert against the city, but all such services or claims shall be paid out of the City Treasury, when appropriated by the City Council, and all application of the money of the city, or of the school funds, otherwise than as directed by law, shall be deemed an embezzlement thereof; and any officer or other person who shall embezzle or fraudulently convert to his own use bullion, money, bank notes, or other security for money, or evidences of debt, or claim, or any effects or property of the city of Newport, or of the school fund of the city, shall be confined in the Penitentiary not less than one nor more than ten years.

Council may
make regula-
tions.

§ 15. The City Council may make further regulations, by ordinance or resolutions, for the collection, safe-keeping, and disbursement of the public money and taxes of the city, not in conflict with the provisions of this act.

School fund.

§ 16. Ten cents on each one hundred dollars of valuation of taxable property of the city is hereby annually set apart and dedicated to the support of common schools in the city of Newport, and in addition thereto all money arising from licenses and fines by law allowed to the city of Newport, is also set apart for the same purpose, and the same shall be paid over by the City Treasurer to the

1858.

School Treasurer, upon the order of the Board of Trustees and Visitors of Common Schools when collected; and the receipt of the School Treasurer therefor shall be a sufficient voucher for the City Treasurer; and should there be any surplus remaining in the school treasury at the end of any scholastic year, the same may be appropriated by the Board of Trustees and Visitors to the erection of school houses in the different wards of the city, or to the improvement of the schools of the city, as to them may seem best; and the Board of Trustees and Visitors of Common Schools shall, semi-annually, at the first stated meetings of the City Council in the months of February and August in each year, report to that board, in detail, the amount of money received and expended by them, and for what purpose, during the preceding six months, which report shall be filed and entered at length on the journal of the City Council.

§ 17. The City Council may at any time before the next General Assembly convenes, call a city convention, to be composed of three members from each ward in the city, having the qualifications of members of the City Council, to be chosen by the qualified voters of the several wards, at an election to be ordered for that purpose, to prepare a revision of the city charter, to be submitted to the General Assembly.

City convention

§ 18. Hereafter the Mayor of the city of Newport shall be elected at the same time, in the same manner, and for the same term, as the Presiding Judge of the Campbell County Court, and have the same qualifications. And the Marshal of the city of Newport shall be elected by the qualified voters of the city, at the same time, in the same manner, and for the same term, and have the same qualifications as the Sheriff of Campbell county; and he shall, before entering on the duties of his office, execute a covenant, payable to the Commonwealth of Kentucky, with good security, to be approved by the Mayor's Court, similar to the official covenant of a Sheriff.

Mayor, when to be elected, &c.

§ 19. This act shall take effect and be in force from and after its passage.

Approved February 6, 1858.

CHAPTER 222.

AN ACT to amend the charter of the Louisville and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Louisville and Nashville Railroad Company shall be so amended, as to vest said company with authority to issue and sell the bonds of said company, for the purpose of completing said road,

Company may issue and sell bonds, &c.

1858.

in sums not less than \$100, nor more than \$1,000, and to an amount not exceeding \$12,000 per mile, on the main line, in the State of Kentucky, payable to bearer, bearing interest at a rate not exceeding eight per cent. per annum, payable half yearly at some bank or banks in the State of Kentucky, or in New York—the bonds to be in the nature of income bonds, of which not more than \$200,000 shall be made to mature in any one year—to be signed by the President, and counter-signed by the Secretary, and the corporate seal affixed—the coupons to be signed by the Secretary. To secure said bonds said company may execute a mortgage on the main line of said road, and the property rights and privileges connected with and used in connection with the operations of said main line within the State of Kentucky; and in the face of the bonds may pledge the income of said road, after paying costs of transportation, repairs, &c.

§ 2. That if, from any cause, the net income of the road shall not be sufficient to pay any year's instalment of bonds issued and sold under the provisions of the first section hereof, said company shall have authority to issue and sell bonds at a longer rate, in order to retire the same, but the additional bonds to be issued and sold, under the provisions of this section, shall at no time exceed \$2,000 per mile on the main line in Kentucky, beyond the sum provided for in the first section. The payment of such additional bonds may be secured by mortgage or deed of trust, as hereby authorized.

Lebanon branch

§ 3. The provisions of the 1st and 2d sections of this act shall apply to the Lebanon branch, and to the Memphis branch, to connect with other roads in Tennessee, in as ample and beneficial manner as if enacted in a separate section to that effect.

§ 4. That when the holder of any bond or bonds issued by the provisions of this act, or under the provisions of an act, entitled, an act to amend the charter of the Louisville and Nashville Railroad Company, passed at sessions of 1855 of Tennessee and Kentucky Legislatures, shall elect and make application at the office of said company to convert such bonds into the stock of said company, the power is hereby vested in said company to substitute the stock of the company for such bond or bonds, at dollar for dollar; the power of substitution shall only exist by the consent of the holder of bonds, when application is made.

Cities and counties may pay for stock in bonds.

§ 5. That it shall be lawful for the several counties that have, or may subscribe stock in said Railroad Company, or branches, and have or shall pay therefor in the bonds of the city, or of the respective counties by their constituted authorities, to invest any surplus levies or sums in their sinking funds in the purchase of the bonds authorized to be issued under the foregoing provisions.

§ 6. That the Louisville and Nashville Railroad Company, for the main line and its branches, in making a tariff for freight and passengers, shall have the same authority that is vested in the Lexington and Frankfort and Louisville and Frankfort Railroad Companies have by their charters, and amendments thereto, and shall have the right to plead and rely on the same limitation for the same causes of action provided for said Railroad Companies.

§ 7. To enable the Louisville and Nashville Railroad Company to make profitable the out-lay for grading, masonry, and bridging, to the south bank of Green river, the general council of the city of Louisville shall be and are hereby authorized and empowered to subscribe three thousand additional shares of the stock of the Louisville and Nashville Railroad Company, and pay for the same in the bonds of the city of Louisville, in sums of not less than \$100 nor more than \$1,000, the one-fourth thereof payable in one year, one-fourth in two, one-fourth in three, and one-fourth in four years, from their respective dates, bearing six per cent., payable half yearly at some bank in the city of Louisville, and payable to the Louisville and Nashville Railroad Company, signed by the Mayor of the city, and with the seal of the corporation affixed, countersigned by the Auditor, and the coupons signed by the Auditor.

§ 8. That to create the means to pay the interest and discharge said bonds at their maturity, the general council, with the approval of the Mayor, are authorized and directed to levy a tax on the property and subjects of taxation within the corporate limits of said city, sufficient to pay the annual interest upon the whole sum, and the bonds as they fall due in each year, and may appoint a collector or collectors, taking from them bonds with approved security, conditioned to collect the taxes levied within the time to be prescribed in said bond, and to pay over the same into the treasury of the city for the use aforesaid—the bond or bonds to be made payable to the city of Louisville, and may be enforced by motion or suit, with fifteen per cent. for defalcation of payments. The collector shall have power to levy and sell any property of the party in whose name it was listed for taxation, upon advertising the same in one or more of the papers published in the city, a reasonable time; and on the payment of the said collectors shall give the person paying the same a receipt, setting forth precisely the sum paid for the purpose herein contemplated, which receipt shall entitle the payor or his assignee or representatives to stock in said Railroad Company, to the extent of the sum paid, which shall be preferred stock, and on its face the certificate shall contain a stipulation or covenant that

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Rates of fare,
&c.

City of Louisville may take additional stock

May levy tax to pay bonds, &c.

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said company shall pay six per cent. interest per annum, from and after one year from the time the rail track crosses Green river. The tax receipts and stock hereby authorized to be issued shall pass by assignment. The council shall fix the compensation to be paid to collectors.

Ordinances to
be published,
&c.

§ 9. That after the passage of such ordinance it shall be advertised by publication in the newspapers published in the city of Louisville twenty days; and on a day fixed in the ordinance a poll shall be opened at each of the voting places for representatives, at which the voters qualified to vote shall be entitled to a vote for or against said ordinance, and if it shall appear that a majority of the votes cast are in favor of said ordinance its provisions shall be carried into effect, and not otherwise. The Mayor shall appoint judges and clerk of said election, and it shall be the duty of the Sheriff, with the requisite number of deputies, to attend the election, and be governed by the laws in force regulating general elections. The poll books shall be certified in the usual form by Judges, Clerks, and attending Sheriff, and within the next three days after said election returned to the Mayor's office, and by him and the Auditor and Treasurer counted, and the result ascertained shall be officially announced in the papers of the city, after which it shall be the duty of the Mayor, with reasonable dispatch, to issue and deliver said bonds.

Approved February 6, 1858.

CHAPTER 223.

AN ACT for the benefit of Alexander McDonald.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alexander McDonald be and he is hereby allowed the further sum of two hundred and ninety-eight dollars, in addition to that allowed by law, for delivering and distributing the public books and documents among the several counties of the Commonwealth for the year 1857.

§ 2. This act to take effect from its passage.

Approved February 6, 1858.

LAWS OF KENTUCKY.

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CHAPTER 224.

1858.

AN ACT for the benefit of William P. Turpin, of Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William P. Turpin, late examiner of Larue county, be and he is hereby allowed the further time of two years to collect his fee bills; and this act to take effect from and after its passage.

Approved February 6, 1858.

CHAPTER 225.

AN ACT for the benefit of the Sheriff of Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Sheriff of Washington county shall have until the March term of the Washington County Court, 1858, to return his delinquent list for State revenue.

§ 2. This act to take effect from its passage.

Approved February 6, 1858.

CHAPTER 227.

AN ACT to amend the several acts incorporating the town of Lebanon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Marshal of the town of Lebanon may appoint one or more deputies to assist him in the discharge of his duties: *Provided*, That such appointment and the qualifications of such deputy or deputies be entered of record in the Marion County Court; and such deputy or deputies, when so appointed and qualified, shall possess all the power of the Marshal himself.

§ 2. The Police Judge of the town of Lebanon shall have the same criminal jurisdiction, for trial of riots, routs, and breaches of the peace, in this Commonwealth, by the eighteenth article of chapter twenty-eight of the Revised Statutes, title Crimes and Punishments, and such other criminal jurisdiction as shall be conferred on Justices from time to time.

§ 3. The Trustees shall have the power to tax auctioneers, and transient persons who may desire to sell any goods, wares, or merchandise within said town, at public auction, for one sale not exceeding a day in duration, any sum not exceeding five dollars, and to require a license to be taken out therefor, and to provide adequate penalties against any person so selling without such license: *Provided*, This act shall not apply to Sheriffs or other of-

1858.

ficers acting in discharge of official duty in making sale. They may license regular auctioneers for one year, and fix their license: *Provided further*, That the provisions of this section shall not apply to farmers and stock dealers, in selling live stock, or production of their farms.

Approved February 6, 1858.

CHAPTER 228.

AN ACT to incorporate the German Workman's Benevolent Association, of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. H. Kune, Joseph Birkle, Heinrich Droxeilius, Peter Max, George Willing, or any four of them, their associates and successors, of the city of Covington, and their successors, are hereby created a body politic and corporate, by the name and style of the "German Workman's Benevolent Association, of Covington, Kentucky;" and by that name are hereby vested with full power and authority to acquire, hold, use, and enjoy real and personal estate to the amount of fifty thousand dollars, and to sell and convey, or otherwise dispose of the same, under such by-laws, rules, and regulations as may be by them adopted: *Provided*, That such by-laws, rules, and regulations be not contrary to the constitution and laws of this State or of the United States. And said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and to have and use a comon seal, and the same to be altered at their pleasure. That the powers hereby granted shall not be used in doing anything not expressly granted by the provisions of this act.

§ 2. That this act shall take effect from and after its passage.

Approved February 6, 1858.

CHAPTER 229.

AN ACT for the benefit of Judith E. Bush.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Judith E. Bush, widow of David K. Bush, dec'd., be and she is hereby declared to have all the rights and privileges which she would be entitled to but for her minority; and she may receive and control any estate that

she may inherit from her late husband, or which may have descended to her from her late father, Jesse P. Minman, dec'd., as though she were of the full age of twenty-one years.

1858.

Approved February 6, 1858.

CHAPTER 230.

AN ACT for the benefit of the German Methodist Episcopal Church of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Trustees of the German Methodist Episcopal Church of Newport, Kentucky, be and they are hereby authorized and empowered to sell and convey the following real estate, viz: a lot known as lot number twelve, in McArthur's addition to the city of Newport, in Campbell county, Kentucky, fronting on Todd street, in said city, to Henry Wendt, in fee simple, upon such terms and in such manner as they may deem best. This act shall take effect from its passage.

Approved February 6, 1858.

CHAPTER 231.

AN ACT to amend the charter of the City of Hickman, in Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled, an act to amend and reduce into one the several acts respecting the town of Hickman, approved March 10, 1854, be and the same is hereby so amended, in the third and fourth sections thereof, as to require the election of said city officers to take place on the first Monday in August, 1858, and every fourth year thereafter, as to said City Judge, and every two years thereafter as to said City Marshal, and other officers directed by said charter to be elected.

§ 2. That the eighth section of said city charter be and the same is hereby so amended as to require the said City Council to make out and publish a report of the financial affairs of said city on the first Monday in December in each year, instead of the first Monday in January, as now required.

§ 3. That this act shall take effect from its passage.

Approved February 6, 1858.

1858.

CHAPTER 233.

AN ACT for the benefit of Lewis White, late of Owen county.

Whereas, on the 10th day of December, 1836, a certain tract of land, containing two thousand acres, lying in the county of Owen, on the waters of Caney creek, and entered for taxation in the name of R. R. Barr, was on said day forfeited and struck off to the State of Kentucky for the non-payment of the tax due thereon; and whereas, Joel Herndon, as agent for the Commonwealth for the county of Owen, did, on the 26th day of October, 1846, offer said tract of land for sale at the court house door in Owenton, for the taxes due thereon, to-wit: forty-seven dollars ninety-five cents tax for the year 1836, and four dollars seventy-nine cents commission—total fifty-two dollars seventy-four cents, and Lewis White became the purchaser for said sum of fifty-two dollars seventy-four cents, he being the highest bidder, and said land was sold to said White; and whereas, said Joel Herndon, as agent for the Commonwealth, did, on the 26th day of October, 1846, make to said Lewis White a deed for said land, as required by law, and before its delivery said Joel Herndon departed this life. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Sheriff of Owen county be and is hereby empowered and directed, upon the receipt of the Auditor of Public Accounts for the sum for which said land was sold, to-wit: fifty-two dollars seventy-four cents, being produced to him, to convey to said Lewis White, his heirs, or assigns, the title to said tract of land, in as full and complete a manner as the said Joel Herndon, as agent for the Commonwealth for the sale of forfeited lands in Owen county, was by law authorized to do at the date of said sale.

§ 2. This act shall take effect from its passage.

Approved February 6, 1858.

CHAPTER 234.

AN ACT to extend the corporate limits of the city of Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled, an act to amend and reduce into one the several acts respecting the town of Hickman, approved March 10, 1854, be and the same is hereby so amended as to alter or extend the corporate limits of said town as follows, to-wit: Commencing at the south-west corner of Marr and Washington streets, in the present corporate limits; thence running with the western

Corporate limits
extended.

1858.

boundary line of Washington street, thirteen hundred and eighty six feet, to the south west corner of Washington and Wilson streets; thence with the south boundary line of Wilson street seventeen hundred and twenty feet, to the south-east corner of Wilson and Obion streets; thence in a north-eastern direction twenty-seven hundred feet, (more or less,) to the south-west corner of Alleghany and Holly streets; thence with the south boundary line of Holly street three thousand two hundred and eighty-five feet, to the south-east corner of Holly and Seventh streets; thence with the east boundary line of Seventh street six thousand three hundred and fifty to low water mark of the Mississippi river; thence with the meanderings of said river to the north-east corner of the present corporate limits and the north-east corner of Fourth street.

§ 2. That the authorities or City Council of said city shall have no power to impose a tax on the territory acquired by virtue of this act, until said territory is regularly laid off into lots.

No tax to be imposed.

§ 3. That this act shall take effect from its passage.

Approved February 6, 1859.

CHAPTER 235.

AN ACT to incorporate the Little River Baptist Church, in Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That N. A. Williams, John Carter, Sr., John B. Smith, Richard D. Cunningham, and Benjamin Carter, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the "Trustees of the Little River Baptist Church in Christian county;" and by that name to have perpetual succession, with all the powers incident to corporations, for the purpose of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, so far as may be necessary to protect and preserve the rights, titles, privileges, and immunities of said church, which now do, may, or shall hereafter belong to the same; to hold the lot of ground now occupied by them; also, to buy any lot or lots, not exceeding five acres, and receive conveyances therefor, or for any other real estate which may have been heretofore purchased by the Trustees of said church, or by other persons for the use of the same, or which may be hereafter given or devised to them for the use of said church, all of which property shall pass to them and their successors in office forever, pursuant to the desire or express limitation of the donor or grantor.

Corporators.

§ 2. That said Trustees, hereby appointed, shall continue in office so long as they shall continue to be members

Trustees, &c.

1858.

of said church, unless they shall resign or refuse to act; and whenever vacancies may occur it shall be lawful for the same to be filled pursuant to said church discipline, and the rules and regulations of said Trustees.

Quorum, &c.

§ 3. That a majority of said Trustees shall constitute a quorum to do business, and as such it shall be their duty, and they are hereby authorized and empowered, to keep a fair record of all their proceedings, and to appoint all such officers as they may see proper and fit in pursuance of their discipline, and to pass such by-laws and regulations, relative to the government and control of said building and church, as they may think proper, not inconsistent with the rules and discipline of said church, the constitution of the United States, of this State, and the laws of the land.

Approved February 6, 1858.

CHAPTER 236.

AN ACT to incorporate Bear Wallow Lodge, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name and style.

§ 1. That the members of Bear Wallow Lodge, No. 231, of Free and Accepted Masons, and their successors, be and they are hereby created a body politic and corporate, by the corporate name and style of "Bear Wallow Lodge, No. 231, of Free and Accepted Masons;" with perpetual succession, and by that name may contract and be contracted with, and by said name may sue and be sued in all the courts of this Commonwealth, and may purchase and hold such real and personal estate as may be necessary for the use of said Lodge, and may receive all necessary conveyances for any real estate they may purchase, and may dispose of any of their property at any time, and convey the same to the purchaser or purchasers: *Provided*, That the amount invested in real estate shall not exceed ten thousand dollars.

Powers.

Trustees, &c.

§ 2. That the management of the concerns of said corporation be and is hereby confided to the Master and Wardens of said Lodge, for the time being, and their successors in office, as Trustees thereof, who, or a majority of them, may make all necessary contracts in purchasing or selling any of the property of said corporation, and may make any such conveyances as may be necessary to pass the title to the purchasers of the real estate: *Provided*, That said Trustees shall not sell any of the real estate of said Lodge, unless directed so to do by a vote of the members of said Lodge, at a regular meeting thereof, a majority of all the members being present.

§ 3. That the person or persons holding the title to the house and grounds where said Lodge now holds its regular meetings, in Hart county, shall convey the same to said Lodge by its corporate name, and such conveyance shall pass the title to said property to said corporation.

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Property to be conveyed.

§ 4. That said Lodge may pass all such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this state, as may be necessary for the protection, management, and safe-keeping of the property of said Lodge.

May make by-laws, &c.

§ 7. The General Assembly reserves the right to alter, amend, or change this act at pleasure.

Approved February 6, 1858.

CHAPTER 238.

AN ACT to incorporate the Christian Church, of Ghent, Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jesse Lindsay, Levi McCann, and William Howard, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the "Trustees of the Christian Church in the town of Ghent, of Carroll county;" and by that name to have perpetual succession, with all power to sue and be sued, of pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions, and immunities of said Church, and with full power to sell their present Church property in said town, (lot No. 40,) with all its appurtenances thereunto belonging, and their deed shall fully and effectually convey the fee simple right to said property: *Provided*, That the proceeds thereof shall be applied to the purchasing and erecting of another house for said Church in said town. That whenever vacancies may occur in the office of the Trustees it shall be lawful for them to be filled pursuant to the rules of said Church. The right is hereby reserved to the Legislature to alter, amend, or repeal this act

§ 2. This act shall take effect from its passage.

Approved February 6, 1858.

CHAPTER 239.

AN ACT to incorporate the German Gymnastic Association of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henrich Mitchelfelder, Henrich Kramer, Frederick Glemser, Jacob Brandt, Henrich Warnke, Jo-

Corporators.

1858.

Powers, &c.

Name and style.

seph Weiman, or any four of them, and their associates, of the city of Newport, Kentucky, and their successors, are, for the purpose of corporeal and intellectual improvement, hereby created a body politic and corporate, by the name and style of the "German Gymnastic Association of Newport, Kentucky;" and by that name are hereby vested with full power and authority to acquire, hold, use, and enjoy, for the purposes aforesaid, real and personal estate to the amount of thirty-five thousand dollars, and to sell and convey, or otherwise dispose of the same, under such by-laws, rules, and regulations as may be by them adopted: *Provided*, That such by-laws, rules, and regulations be not contrary to the constitution and laws of this State, or of the United States. And said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and to have and use a common seal, and the same to alter at their pleasure. That the powers hereby granted shall not be used in doing anything not expressly granted by the provisions of this act.

§ 2. That the right of any future Legislature to alter, amend, or repeal this act is hereby reserved.

Approved February 6, 1858.

CHAPTER 240.

AN ACT to amend an act, entitled, an act for the benefit of the Methodist Episcopal Church at Alexandria.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, an act for the benefit of the Methodist Episcopal Church at Alexandria, approved March 3rd, 1856, be so amended as to read: That the Trustees of the Methodist Episcopal Church at Alexandria, in the county of Campbell, are hereby authorized to sell and convey a lot of ground, in said town, or any part thereof, containing less than two and one half acres; and that so much of the act to which this is an amendment, as is inconsistent herewith, be and the same is hereby repealed.

Approved February 6, 1858.

CHAPTER 241.

1858.

AN ACT to amend the charter of the Ashland Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Ashland Cemetery Company be so amended as to authorize the persons named in the first section of said act, or any three of them, to cause books to be opened within three years from and after the passage of said act, for the purpose of receiving subscriptions to the stock of said company, which books shall be opened at the place mentioned in the second section of said act.

Company may
organize in 3
years.

§ 2. The Trustees elected under the provisions of this act shall continue in office for two years, and until their successors shall be elected and qualified.

Trustees.

§ 3. The books shall be kept open until at least thirty shares shall have been subscribed, when they may be closed.

Books kept
open.

Approved February 6, 1858.

CHAPTER 242.

AN ACT for the benefit of John C. Townsend.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Register of the Land Office be authorized and instructed to correct a patent for one hundred and twenty-five acres, which issued in the name of James C. Townsend, on a survey made on an Edmonson County Court order, No. 191, which survey was made on the 21st March, 1856, and was patented on the 26th September, 1856—the name of John to be substituted for James in said patent.

Approved February 6, 1858.

CHAPTER 243.

AN ACT for the benefit of the Baptist Church in Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Wilson Ryan, Thomas Grubbs, and Nimrod Long, Trustees of Russellville Baptist Church, be authorized and empowered to sell and convey the house and lot on Main street, in said town of Russellville, belonging to said church, and known as the "Parsonage."

Approved February 6, 1858.

1858.

CHAPTER 246.

AN ACT amending the charter of the city of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If City Council
fails, County
Court may act.

§ 1. That whenever the City Council of the city of Maysville shall fail or refuse to appoint the members of the Board of Equalization, as required by the 2d, section of the act, entitled, "an act to re-enact and amend the charter of the city of Maysville, approved March 9, 1854," the County Court of Mason county shall have power, and it is made the duty of said court, upon the application, to appoint the members of said board, or fill any vacancy which may occur, and which the council may have failed or refused to fill; and it shall not be lawful for said City Council to authorize the collection of any tax upon the real and personal estate in said city until the assessment thereof, by the City Assessor, shall have been regularly submitted to said Board of Equalization, and been acted upon by them.

Collectors may
levy on personal
property.

§ 2. That the collector of the city of Maysville shall have power and authority to levy upon and sell, in satisfaction of any taxes due or to become due to said city, any personal property of the tax payer which may be liable to execution; and in making such levy he shall in all respects be governed by the laws now in force in relation to sales of personal property under executions by Sheriffs.

§ 3. This act shall take effect from and after its passage.

Approved February 9, 1858.

CHAPTER 248.

AN ACT for the benefit of Common School District No. 18, in Larue county.

Whereas, it appears that a Common School is now being taught in Common School District No. 18, of Larue county; and it further appearing that a term of three months will not have expired in time to report said district to the Superintendent of Public Instruction for the year 1857. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That when said district shall have taught a school of three months, including the time that has already expired, the Trustees for said district may report the same in the manner now prescribed by law, to the Common School Commissioner for Larue county, and he to the Superintendent of Public Instruction, and thereupon the Auditor of Public Accounts is directed to issue his warrant upon

the Treasurer for the amount that may be found due and coming to said district.

1858.

Approved February 9, 1858.

CHAPTER 249.

AN ACT to incorporate Elizaville and Blue Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be and the same is hereby created and established, under the name and style of "Elizaville and Blue Lick Turnpike Road Company," for the purpose of constructing an artificial road on the McAdams plan, from Elizaville, in Fleming county, on the most practicable route, to Upper Blue Licks, in Fleming county.

Corporate name and style.

§ 2. The capital stock of said company shall be forty thousand dollars, to be increased or diminished as the Board of Directors may determine, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. A book for the subscription of stock in said company shall be opened at any time after the passage of this act, at such place or places as may be most convenient, under the direction of Moses A. Kirk, John F. Belt, John Purdom, Franklin P. Sousley, Will. Ewing, and Jas. Cochran. That said commissioners, or any one or more of them, appointed by this act to open books for the subscription of the capital stock of said company, shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book, to-wit: "We whose names are hereunto subscribed, do respectively promise to pay to the President, Directors and Company of the Elizaville and Blue Lick turnpike road company, the sum of fifty dollars for each and every share of stock in said company, set opposite to our names, in such manner and proportions, and at such times as shall be required by the President and Directors of said company." Which amount shall be collectable in the proper courts.

Books to be opened.

Commissioners.

Obligation.

§ 4. The books of subscription of said stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road; and persons may subscribe at any time until the books are closed, or thereafter, if necessary to increase the stock.

Books to be kept open.

§ 5. So soon as one hundred shares in said company be subscribed, it shall be the duty of said commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, to meet in Elizaville, for the purpose of choosing officers, said notices to be put up at three of the most public places on the contemplated

Notice of meeting to be given for election of officers.

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President, &c.,
to take oath.

Treasurer and
other officers to
be appointed.

President and
Directors.
Powers, &c.

Calls on stock.

road, or published in some newspaper printed in this State twenty days previous to said meeting, at which election at least two of said Commissioners shall be present, who shall proceed to take the vote by ballot, in person or by proxy, of said stockholders, each stockholder having one vote for every share so held, for a President and four Directors, who shall hold their offices for one year, and until their successors are duly elected and qualified. The time and places for all elections, after the first, shall be fixed by the President and Directors of said company for the time being. A majority of the Commissioners shall be competent to transact all business. The President and Directors shall, before they enter upon the duties of their offices, take an oath before some Justice of the Peace that they will faithfully discharge the duties of their respective offices, without favor or affection, according to the best of their judgment. After being qualified they shall appoint a Treasurer and such other officers as they may deem necessary, who shall hold his or their offices for one year, and until others are appointed, but removable at the discretion of the President and Directors. The Treasurer of said company shall, before entering into the duties of his office, give such bond and security and penalty as the President and Directors may desire; and the obligation to be made payable to them, conditioned that that he will faithfully discharge the duties of Treasurer of said company, and that he will, when called on, pay the amount of money in his hands to the order of the President and Directors, and that he will perform the duties required of him by the by-laws of said company.

§ 6. The President and Directors, when elected and qualified as aforesaid, shall be a body corporate and politic, in fact and in law, by the name and style of the "Elizabethville and Blue Lick Turnpike Road Company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their work, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatever; and also to have a common seal; and to do all and every other matter or thing which a body politic or corporate may lawfully do.

§ 7. The said President and Directors, upon entering upon the duties of their offices, may call upon the stockholders for the payment of such sums, on each share, and at such times, as they, in their discretion, may deem expedient.

§ 8. No person shall be eligible to hold any office in this company who is not a stockholder at the time of election; and if after an election any officer of said company shall cease to hold stock, his office shall be considered vacant, and the remaining portion of the board shall, by appointment, fill such vacancy until the regular annual election. A majority of votes cast shall elect.

§ 9. The President and Directors first chosen shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, to each shareholder for each share by him or her subscribed and held, which certificate shall be transferable on the books of said company, in person or by attorney, but no share shall be transferred until all arrearages are paid thereon.

§ 10. The President may call meetings of the directory at such times and places as he may think proper; a majority of all the directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book provided for that purpose, which shall be signed by the President; and in case of his absence, the Directors shall elect one of their own number *pro tempore*; and they may adjourn from time to time as they may think proper.

§ 11. The President and Directors have the right, and are hereby authorized, to take the consent, in writing, of any and all persons who may be disposed to grant the right of way for said turnpike, the use of rock and timber for building the same, without charge, which being so given shall be binding to all intents and purposes. They may agree with and appoint surveyors, engineers, superintendents, artists, and officers, as they may deem necessary to carry on the work, and to fix their salaries and wages, and to do all such other matters and things as, by this charter and the by-laws of the corporation, they are or shall be required to do.

§ 12. The President and Directors are hereby authorized, together with the surveyors and engineers, &c., to enter in and upon the lands and inclosures, public roads and highways in, through, and over which said intended road may be thought proper to pass, and examine and survey the ground for the purposes here intended, and to examine the quarries, beds of stone, and gravel, and other materials necessary for the construction of the said road.

§ 13. If any stockholder shall refuse or neglect to pay his proportion of the stock for thirty days after the time set for the payment thereof, every such stockholder, in addition, shall pay at the rate of one per cent. per month on the installments so called, from the time the call was made for every delay of such payment; and if such payment shall be delayed six months after the time set for

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Officers qualifications.

Certificates of stock to be issued.

President may call meetings.

Right of way, &c.

May survey route, &c.

Delinquent stockholders.

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payment, such delinquent shall forfeit such share or shares to the corporation, together with all that may have been paid thereon; and the President, by order of the Directors, shall sell the said share or shares at public auction, having given ten days notice: *Provided*, the same will bring the balance due on said share or shares: *And provided*, That no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable, as aforesaid, on the share or shares by him or her held, shall have been paid, agreeably to the requisitions of the President and Directors.

Right of way,
&c., may be
condemned.

§ 14. When the right of way, or for materials, cannot be obtained by contract, the same may be condemned under the provisions of sections 29, 30, 31, and 32, of chapter 103, of the Revised Statutes, entitled, "Turnpike and Plank Roads."

When may
erect gate.

§ 15. When five miles of said road shall be completed, the said company may construct and erect a turnpike gate, and for each mile of road made thereafter they may charge toll proportionably; and they may have gates at each five miles, or charge tolls for each mile their road may be travelled, should they find it necessary to locate gates at shorter distance than five miles, or a less number than one each five miles.

Width of road,
&c.

§ 16. The width of grade and rock or gravel to be put on said road shall not be less than fifteen feet; also, the elevation of said proposed road shall not exceed five degrees.

Penalty for not
paying toll.

§ 17. That if any person, with intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any grounds or lands near to or adjoining the said road, so as purposely to avoid paying toll, or shall practice any device to defraud the just payment of the toll, by entering or traveling upon said road, with any animal or burthen, wagon, or other vehicle, and avoiding the toll gate or gates by turning out in by-paths and private ways, so as to defraud said company thereby, such person or persons so offending shall, for every such offense, forfeit and pay to the President and Directors the sum of five dollars, recoverable before any Justice of the Peace, in like manner as other debts of equal amount, in the name of the President and Directors.

Accounts of
receipts, &c., to
be kept.

§ 18. The President and Directors shall keep a fair and correct account of all moneys which shall be received by them from the subscribers of said company; also, of all moneys expended by them in the prosecution of said work; and all costs, charges, and expenses of said road shall be paid and discharged, and the sum total, when ascertained shall be entered on the books of the Treasurer. The aforesaid officer shall, at the end of every six

months after the first portion of said road shall be completed, and every six months thereafter, make out a balance-sheet for the inspection of the stockholders, and make dividends of the clear profits, if any, and pay the same to the stockholders. The said President and Directors shall cause printed bills of the rates of toll to be posted up on or near the toll-gates on said road.

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§ 19. The President and Directors shall take bond with good security from the toll gate keepers and other persons employed by them, for the faithful discharge of the duties to them respectively committed or assigned, which bonds they may cause to be renewed whenever they may deem necessary, and shall be payable to the President and Directors and Company as aforesaid.

Toll keepers to give bonds.

§ 20. That it shall be lawful for the President and Directors of the aforesaid company, for the more perfect good government of the same, to make any set of by-laws, not inconsistent with the provisions of this act, and the constitution and laws of Kentucky. The rates of toll shall be the same as regulated by provisions of the general turnpike road law.

May make by laws, &c.

§ 21. That whenever the Presiding Judge of the Fleming County Court shall be satisfied that one hundred shares have been subscribed to the capital stock of said company, it shall be his duty to call together the different members of said County Court, and a majority of the members thereof, at any meeting called by the Presiding Judge for the purposes herein mentioned, may subscribe, for and on behalf of Fleming county, sixty shares in the stock of said company; and said County Court is hereby authorized and empowered to levy an *ad valorem* tax upon all the property of said county subject, by existing laws, to be taxed, in order to meet the said subscription by them. Said levy is to be made, and said tax to be collected, in the same manner and under the same restrictions as other taxes are now levied and collected.

§ 22. This act shall take effect from its passage.

Approved February 9, 1858.

CHAPTER 250.

AN ACT for the benefit of School District No. 13, in Henry county.

Whereas, a school was taught in School District No. 13, in Henry county, for the year ending 10th November, 1856, and by mistake the Commissioner failed to report the whole number of children of the proper age; and it appearing that there is due said district the sum of forty-three dollars and twenty cents. Therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of forty-three dollars and twenty cents be and the same is hereby directed to be paid to the School Commissioner of Henry county, out of the school fund belonging to said county; and the Auditor of Public Accounts is hereby directed to draw his warrant in favor of said Commissioner for said district amount. This act to take effect from its passage.

Approved February 9, 1858.

CHAPTER 251.

AN ACT to incorporate Murray Lodge, No. 105, of Free and Accepted Masons

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Murray Lodge, No. 105, of Free and Accepted Masons, of the town of Murray, in Calloway county, be and they are hereby created a body politic and corporate, by the name and style of "Murray Lodge, No. 105," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said Lodge; to receive all necessary conveyances; to sell, convey, and to dispose of all such real or personal estate as they may have, or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the Master and Wardens and their successors in office, as Trustees thereof, who, or a majority of them, shall have power to make all contracts pertaining to the real or personal estate of said Lodge; and service of notice or process on any two of said Trustees, shall be sufficient notice to said corporation.

§ 3. That said Trustees named in the second section of this act shall hold their office until their successors are duly elected: *Provided*, That said Board of Trustees shall have power to fill vacancies in their own body, and pass such by-laws, rules, and regulations, not inconsistent with the laws of this State, as may be necessary to the management and safe-keeping of the property and other interests of the Lodge; and they may have and use a common seal, and change the same at pleasure; and in conveying real estate, it shall be necessary for the whole Board of Trustees to join in such conveyance.

§ 4. The Legislature reserves to itself the right to change or repeal, alter or amend, this act at pleasure.

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§ 5. This act shall take effect from its passage.

Approved February 9, 1858.

CHAPTER 253.

AN ACT for the benefit of the owners of the Nicholas House, in Carlisle.

Whereas, it has been represented that a portion of the buildings of the Nicholas House, in the town of Carlisle, was so constructed and erected many years ago as to encroach upon the side-walk of one of the streets of said town, which side-walk is of little use or importance to any one except to the owners of said Hotel. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the owners and proprietors of the Nicholas House, in Carlisle, and their successors, be permitted to use, occupy, and control, unmolested, so much of the building of said house as was heretofore erected and now stands upon the side-walk of Second street, in said town; and they are hereby protected in the enjoyment of the same, without hindrance or abatement, on the part of any public authority or tribunal.

Approved February 9, 1858.

CHAPTER 254.

AN ACT to incorporate the Louisville and Cane Run Plank Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act the name and style of the Louisville and Cane Run Plank Road Company shall be changed to that of the Louisville and Cane Run Road Company.

Name changed

§ 2. The President and Directors of said company are hereby authorized to increase the capital stock of said company from thirty to forty thousand dollars, by issuing additional stock to the amount of ten thousand dollars, under the same rules and regulations prescribed for taking the original stock of said company.

Capital stock increased.

§ 3. The Judge of the Louisville Chancery Court is hereby authorized and empowered to decree the sale of said road, together with the corporate privileges, franchises, and property held by said company, whenever any creditor or creditors thereof shall file a bill for the recovery of any debt or debts due from said company, under such rules and regulations, and on such credit, as he

Judge of Louisville Chancery Court may decree sale of road.

1858.

may deem most advantageous to the parties, and to vest in the purchaser or purchasers, or their associates, all the rights, privileges, and immunities now enjoyed by the stockholders in said company, and subject to the same restrictions and liabilities.

Approved February 9, 1858.

CHAPTER 255.

AN ACT for the benefit of the Shelbyville and Mt. Eden Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May erect gate.

§ 1. That the Shelbyville and Mount Eden Turnpike Road Company shall have the power to erect a gate for the taking of tolls, at the legal rates, whenever the Shelby county Court shall be satisfied, by a report made under the 17th section, CIII chapter, page 685, Revised Statutes, that four miles of said road, though they may not be continuous, have been constructed according to law: *Provided*, That if said company shall not complete five continuous miles of said road on or before the 1st day of June, 1859, the Shelby County Court may have power to suppress said gate: *And, provided further*, That this act shall not be construed to apply, in any way whatever, in this or any subsequent section of the same, to any portion of said road not received by said County Court.

Gates may be erected and half toll collected on roads in Shelby county.

§ 2. That the Shelby County Court may have the power to authorize the erection of toll gates where half toll may be collected, at the legal rates, on any of the turnpike roads in Shelby county, whenever it may be satisfied by report made according to law that two and a half continuous miles of such road shall have been constructed according to law.

§ 3. This act to take effect from its passage.

Approved February 9, 1858.

CHAPTER 256.

AN ACT to amend an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the thirty-third section of act incorporating the Danville and Hustonville Turnpike Road Company, approved March 1st, 1844, as allows persons going to and from mill to pass through the toll-gates on said road free of toll, be and the same is hereby repealed.

Approved February 9, 1858.

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CHAPTER 257.

1858.

AN ACT to incorporate the London, Somerset and Waitsborough Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the "Somerset, London, and Waitsborough turnpike road company," for the purpose of making a gravel, McAdamized, or other artificial road from London to Somerset and Waitsborough, at steamboat navigation on the Cumberland river.

Corporate name and style.

§ 2. The following persons are appointed Commissioners to contract for and superintend the building of said road, and to locate the same: Edmund Jones, B. H. Sowder, Andrew Edwards, T. M. Simpson, Jesse Seares, James Dehuff, C. Wait, and their associates, be and they are hereby appointed Commissioners to locate, contract for, and superintend the construction of said road; and they and their successors are made a body corporate, and vested with all the necessary powers to carry out the object of this act.

Commissioners' names.

§ 3. That when said company shall be organized the Commissioners shall be the directors of said company, and shall elect one of their number as President; and said officers shall proceed to locate, build, and manage the same, having first taken an oath before some Justice of the Peace faithfully to perform the duties of their office, and to locate said road without favor or affection, to the best of their judgment.

President and Directors.

§ 4. If any of said officers shall die, resign, or refuse to act, or a vacancy shall occur in any way, it shall be filled by the remainder of the Board of Directors. The President and Directors shall appoint a Treasurer and such other officers as they may deem necessary, who shall hold their offices at discretion of the board; and the Directors may appoint others in their places. Before the Treasurer enters upon the duties of his office he shall execute bond, with one or more securities, payable to the company, that he will faithfully discharge the duties of his office, and account for and pay over all the money to the President and Directors of said company, or their order as such.

Vacancies—how filled.

To appoint officers.

§ 5. The grade, material, and width of said road shall be such as the President and Directors aforesaid may deem best, the artificial part not to exceed twenty feet in width, and the grade not to exceed four degrees; and said Directors shall have power to employ Surveyors, Engineers, and other agents to construct said road.

Grade, &c.

§ 6. That in case the corporation shall not be able to acquire the title to any lands over which they desire to run said road, by contract or voluntary cession, it shall be lawful for the corporation to appropriate the same to their

May enter upon lands.

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use, for the purpose contemplated by this charter, by their complying with the provisions of the following section of this act; and they shall, upon the same terms and conditions, have power to condemn any stone, wood, gravel or other material that may be necessary to construct said road.

Right of way—
how acquired.

§ 7. The Directors shall present a petition to the Judge of the County Court of the county in which the lands, stone, gravel, or other material shall lie, setting forth the lands and material wanted for the construction of said road, or its appendages, and the names of the owners thereof, if known, distinguishing the parcels claimed by the respective owners, and praying for the appointment of appraisers to assess the damages which the owners of said lands, stone, timber, or gravel and other materials will sustain, severally, by reason of the appropriation aforesaid to the use of said corporation; and on the presentation of such petition said Judge shall appoint a day for the hearing of the parties interested, and shall direct reasonable notice to be given of the time and place of hearing; and if it shall appear that any of the owners of such property are unknown, infants, insane, or *femes covert* it shall be the duty of the Judge to appoint some discreet person to represent them, and the Judge shall award him reasonable compensation for his services, to be paid out of the damages assessed against the corporation, if any, if not, then out of the estate of the party so represented. At the time of hearing the Judge shall appoint three disinterested free holders, residents of said county in which the land and materials are situated, to assess the damages, and in the order of their appointment shall direct what lands or property are to be appropriated by the corporation. Said appraisers, after being first sworn, shall proceed to assess the damages, and in the assessment of the damages they shall, in all instances give the party whose property is to be used full value for the property taken, but in estimating the incidental damages to the adjoining lands they may offset against them the advantages that will arise to said persons from making the road; and said appraisers shall report, in writing, under their hands, to the said Judge, within ten days from the receipt of their commission, their assessment of damages, together with the order of appointment, and shall designate what property they have valued; in case the appraisers do not agree the Judge shall appoint others; and on the judgment or tender of the damages the corporation shall be entitled to the land or property so valued and condemned; on the return of the assessment to the County Judge the owner of the land or materials may demand and have a jury summoned, or their assessment shall be binding.

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§ 8. In case the judge of the county is interested, or a party, then the application for the appointment and proceedings named in the last section may be had before a special Judge, elected for the occasion.

§ 9. Whenever five consecutive miles of said road are finished, and the same reported in the open County Court, and entered of record, it shall be lawful for said company to erect a toll gate, at which gate, and all others on said road, they shall charge no greater toll than the law permits on other turnpike roads in this State; and no gate shall be placed within less than two and one-half miles of London or Somerset; and the corporation shall not place more than one gate for every five miles of said road; but if the gates are more than five miles apart the toll may be increased in the same proportion. The Directors shall have power to appoint and remove gate keepers at their pleasure. The President and Directors shall have power to purchase and hold, for the benefit of the corporation, sites for toll gates, and erect buildings thereon; no person over whose lands said road runs shall be charged toll in their daily occupations, for going through the gates to get from one part of the farm to the other; no person shall be charged toll for going to or from church on said road on the Sabbath day.

When gates may be erected.

§ 10. And as there are funds in the hands of Jarvis Jackson, of Laurel county, as a Commissioner, directed by act of General Assembly to be applied to the opening of a road from London, in Laurel county, to the Cumberland river; and as the route contemplated upon which to open said road is the same, as that of the road provided for in this charter, for a considerable portion of the distance towards Cumberland river: *Be it therefore enacted*, that the County Court of Laurel county shall have power, if it be desired so to do, to order an appropriation of such portion of said fund, now in the hands of Jarvis Jackson, to the road, the construction of which is provided for by this act, and shall place such sum under the control of the Directors under this charter; but said court, in making such order for the appropriation of the fund, shall be governed by a *pro rata* distribution of the fund according to the distance which the road, hereby chartered, shall be located on the same route as that to which the fund in the hands of said Jarvis Jackson was intended to be located, and the balance of said fund in the hands of said Jarvis Jackson shall be carried out on the balance portion of roads to which it was appropriated, by said Jackson, under the laws now in force in relation thereto.

Money in hands of Jarvis Jackson may be appropriated to this road.

§ 11. The County Judges of Pulaski and Laurel shall, levy annually a tax of two cents on each hundred dollars of property in Laurel and Pulaski, subject to State revenue tax, for the purpose of building said road, and continue said tax until the road is completed.

Tax may be levied.

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Vote to be taken

§ 12. Before the County Judge carries into effect the last preceding section he shall cause a vote to be taken at the next August election of Laurel and Pulaski counties, of the persons qualified to vote for members of the General Assembly, and if a majority of those who vote at said election, for or against said measure, shall cast their votes in favor of levying the tax, then he shall order the tax to be levied and collected.

Tax, how collected.

§ 13. The tax so levied shall be collected by the Sheriff of the county as other taxes, and by him paid over to the Treasurer of said company, deducting therefrom two per cent. for his services; and he shall give to each person paying said tax a receipt therefor, which shall entitle the holder to that much stock in said company or corporation, and shall operate as a certificate of stock, and shall be assignable.

How dividends applied.

§ 14. All the dividends at any gate on said road shall be applied in aid of the construction of said road, and repairing the same, until completed; after the road is completed the net profits thereof shall be paid *pro rata*, semi-annually, to the stockholders in said road.

Laurel and Pulaski may appropriate money.

§ 15. That the County Courts of Laurel and Pulaski are hereby authorized to appropriate said sum or sums of money as they may deem proper, which shall be held as other stocks from individuals; and the Commissioners receipt for the same, which will entitle the holder thereof to their *pro rata* of dividends.

Boundaries of hands placed under control of the Commissioners.

§ 16. And that the boundaries of hands now allotted to the several surveyors of said road, in each county where said turnpike road may run, be placed under the control of the said Commissioners, as soon as they commence the building of said road under this act, who shall be vested with the same powers, and subject to the same penalties and restrictions, that surveyors now are, except in such cases as are otherwise provided in this act: *Provided*, That if the Directors see fit they may let out such portion of said turnpike road as thought right and proper, for such amount of stock in said road as may be agreed upon by the parties.

Capital stock.

§ 17. The capital stock shall be ten thousand dollars, with privilege to increase the same as may be necessary, divided into shares of twenty-five dollars each. The Directors of said road shall not receive more than one dollar per day for such services as may be rendered for locating and superintending the building of said turnpike road.

Approved February 9, 1858.

CHAPTER 258.

1858.

AN ACT to incorporate the Cranetown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed, under the name and style of the "Cranetown Turnpike Road Company," for the purpose of making an artificial road from Elihu Jett's, in Boyle county, to Jesse McDaniel's, in Marion county; and the capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each.

Name and style.

Capital stock.

§ 2. That books for the subscription of stock in said company shall be opened at the house of Jordan Peter, in Boyle county, and also at the house of John Holland, in said county, on the first Monday in April next, or as soon thereafter as convenient, under the direction of Jordan Peter, John Holland, Blake Arnold, John G. Crane, and Richard C. Rice, or by some two or more of them at each place, who are hereby appointed Commissioners for that purpose; and said books shall be kept open as long as said Commissioners shall think proper so to do; the subscribers to the stock in said company shall enter into the following obligation in said book or books: "We, whose names are hereunto subscribed, promise to pay to the President, Directors, and Company of the Cranetown Turnpike Road Company, the sum of fifty dollars for every share of stock in said company set opposite our names, and agreeable to an act of the General Assembly incorporating said company. Witness our hands this day of _____, 1858." Due and proper notice of

Books to be opened.

the time and place of opening said books shall be given by said Commissioners, in the Danville Tribune, and in such other manner as they may think advisable.

Obligation.

§ 3. That as soon as five thousand dollars shall be subscribed the said Commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, who shall hold their office for one year, and until others shall be duly elected and qualified. The said President and Directors shall, before they enter upon the duties of their office, take an oath before some Justice of the Peace that they will faithfully perform the duties of President and Directors, as the case may be, without favor or affection, according to the best of their judgment. That the President and Directors, upon being qualified, shall appoint a Treasurer and such other officers as they shall deem necessary, who shall hold their offices for one year, and until their successors shall be appointed. The Treasurer shall give bond, with two or more good securities, in such penalty as the President and Directors may require, payable to

When officers may be elected.

To take oath.

Treasurer and other officers to be appointed.

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the President and Directors of said Company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors, and that he will perform the duties enjoined on him by the by-laws of said company.

May locate road

§ 4. That the President and Directors of said company may locate said road on such route as may to them seem most advisable.

Charter of Danville and Hustonville road made part of this.

§ 5. That the provisions of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1st, 1844, from the fifth to the thirty-fifth sections, inclusive, except that part of the 33rd section which exempts persons going to and from mill from paying toll, also except so far as already provided for in this act, or may come in collision with the same, and so far as the same are applicable to the objects and intent hereof, be and they are hereby adopted and enacted as part of this act.

Approved February 9, 1858.

CHAPTER 259.

AN ACT to amend an act, entitled, an act to incorporate the Springfield, Perryville, and Danville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the thirty-third section of the act incorporating the Danville and Hustonville Turnpike Road Company, approved March 1st, 1844, which applies to the Springfield, Perryville, and Danville Turnpike Road Company, exempting persons passing to and from mill free of toll, be and the same is hereby repealed.

Approved February 9, 1858.

CHAPTER 260.

AN ACT to amend the charter of the Jefferson and Brownsboro Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rates of toll changed.

§ 1. That the President and Managers of the Jefferson and Brownsboro road shall, whenever the grading and culvert masonry on five additional miles of their road adjoining the two and a half miles metaled at the end of the road next the city of Louisville, be allowed to charge toll as for a full gate instead of half gate, as they are now authorized to charge; and that for every additional five miles of dirt grade completed thereafter they be allowed toll as for an additional half gate.

§ 2. That whenever a majority of the stockholders shall sanction the measure, by a vote to be entered of record, the President and Managers may raise by loan, or by the sale of the company's bonds, secured by a pledge of the receipts at the gates, less necessary expenses and gate keeper's wages, such sum or sums of money as may be required to make said road available as a passway for the public, or in their discretion to complete the same: *Provided*, That if at any time the liabilities on bonds issued under this provision shall exceed in amount half the original stock actually paid in, the members of the board issuing such excess shall be individually responsible for repayment of the same.

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May raise money.

Approved February 9, 1858.

CHAPTER 261.

AN ACT to incorporate the Hustonville and Bradfordville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name, style and title of the "Hustonville and Bradfordville Turnpike Road Company," for the purpose of forming and making an artificial road.

Name and style

§ 2. That the capital stock of said company shall be forty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors may enlarge it to such amount as they may deem necessary, and open subscription therefor in such manner as they may think proper.

Capital stock.

§ 3. That books for the subscription of stock in said company shall be opened on the first Monday in April next, or as soon thereafter as convenient, at the town of Hustonville, in Lincoln county, under the direction of Barney Vanarsdale, Frank Coffinan, Wm. Reed, George Weatherford, and Robert Blain; and at George Drye's, in Casey county, under the direction of George Drye, Archibald Weatherford, Mat. Speed, Prior Prewitt, and Wm. Spraggins; and at the town of Bradfordsville, in Marion county, under the direction of Edward Purdy, Joel Copage, Mat. Drye, Dr. Rose, and James Yowell, Jr., or some one or more of them at each place, who are appointed Commissioners. The said Commissioners for each place shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, promise to pay to the President,

Books to be opened.

Obligation.

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Directors, and Company of the aforesaid Turnpike Road Company the sum of fifty dollars for every share of stock in said company, and agreeable to an act of the General Assembly of Kentucky, incorporating said company. Witness our hands this — day of — eighteen hundred and fifty eight." The said commissioners, or a majority of them, shall give notice in one or more of the newspapers printed in Kentucky, of the time and places of opening the books for the subscription of stock in said company, and that they will continue open until the amount of capital shall be subscribed.

When meeting
may be called,
and Directors
elected.

To take oath.

Treasurer and
other officers to
be appointed.

§ 4. That so soon as ten thousand dollars shall be subscribed the said commissioners, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a President and six Directors, who shall hold their office for one year, and until others shall be elected and duly qualified. The said President and Directors shall, before they enter upon the duties of said office, take an oath before some Justice of the Peace that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors they shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The Treasurer of said company shall, before he enters upon the duties of his office, give bond with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of moneys in his hands to the order of the President and Directors, and that he will perform the duties required of him by the by-laws of said company.

Corporate pow-
ers.

§ 5. That upon the election and qualification of the President and Directors, as aforesaid, they shall be a body politic and corporate, in deed and in law, by the name and style of the "Hustonville and Bradfordsville Turnpike Road Company;" and by the said name the said company shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and real and personal estate, as much as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend

1858.

and be defended, in courts of record or any other place whatever; also, to have a common seal, and to do all and every matter and thing which a body politic or corporate may lawfully do.

§ 6. That all the provisions from the fifth to the thirty-fifth section of an act, entitled, an act to incorporate the Danville and Hustonville Turnpike Company, approved March 1st, 1844, except that part of section 33 which exempts persons passing to and from mill from paying toll, also, except so far as already provided for in this act, or may come in collision with the same, and so far as the same are applicable to the objects and intent hereof, be and they are hereby adopted and enacted as part of this act.

Approved February 9, 1858.

Charter of the
Danville & Hustonville road
made part of
this.

CHAPTER 262.

AN ACT to incorporate the Zion Baptist Church and Zion Baptist Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present members of Zion Baptist Church, in Adair county, and those persons who may hereafter become members thereof, be and they are hereby constituted a body politic and corporate; and as such shall have and may exercise the power of contracting and being contracted with, suing and being sued, and each and every other power necessary to carry out and execute the provisions of this act, and of the last will and testament of William Burbridge, deceased.

Body corporate.

§ 2. That Clayton Miller, William F. Montgomery, and William Holladay, be and they are constituted Trustees of same church, and as such may exercise, a majority of them concurring, the powers conferred by this act upon said church: *Provided*, That the members of said church may at any regular meeting thereof, after one month's notice of a motion to that effect, duly entered upon their record book, remove all or any of said Trustees, and appoint another or other member of the church to fill the vacancy or vacancies—said member so appointed being a white male member, over the age of twenty-one years. Said church shall at any regular meeting have power to fill any vacancy in said Board of Trustees which may be caused by resignation, removal, death, exclusion from the church, or otherwise, and may increase or diminish the number of said Trustees, as to a majority of the church may seem fit.

Trustees—may
be removed.

§ 3. That said church may purchase and receive title to any real estate; may erect a church or churches, a seminary or seminaries of learning, and such other buildings as to them may seem best, and may own, hold, use

Corporate powers.

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and occupy such houses, so built, for religious worship, and for educational purposes; that they may sell or donate any real estate which to them may belong, if they deem it proper so to do, and purchase and build upon other lands, and hold the same.

§ 4. That said church shall have full power and authority to execute the provisions of the last will and testament of William Burbridge, deceased, for religious and educational purposes.

May establish
Seminary of
learning.

§ 5. That said church shall have power to establish and maintain a seminary of learning, for the education of male and female; and for that purpose may invest, as to them may seem advisable, the funds now belonging to said church, and such other funds as the same may acquire; may establish and enforce such rules and regulations, with respect thereto, as they may think expedient.

Refunding
bonds to be issued
to certain
persons.

§ 6. That it shall be lawful for said church to pass an ordinance requiring the male members of the same, above the age of twenty-one years, to execute, sign, and deliver unto the administratrix and heirs of Anthony Garnett, deceased, and to Reuben Sims, former committee of said church, a refunding bond to the effect that the obligors in said bond will be responsible to said administratrix and heirs, and said Sims, for any loss or damage or injury whatever resulting from the payment over of the fund devised by said Burbridge to said church, by said Garnett and Sims. Said church may require said bond to be executed on or before such day as they may fix. Said bond may provide for the indemnification of said Garnett's administratrix and heirs, and said Sims, first out of the property and means of the church, and may then provide for further and complete indemnification, by rendering the obligors personally responsible.

§ 7. That said church shall at all times have supervisory power over said committee; may, by its order, enjoin and prohibit their action, and control their actions in all respects, when a majority of the church shall concur in so doing.

Approved February 9, 1858.

CHAPTER 263.

AN ACT for the benefit of S. W. Rennick, Sheriff of Hickman county.

Whereas, it is shown to this General Assembly, that Amos Kendall, charged with horse stealing in the equity and Criminal Court of Hickman county, was, by order of the Judge of said court, found by the verdict of a jury to be insane, and that said Judge ordered the Sheriff of said county forthwith to convey the said Kendall to the Lunatic Asylum at Hopkinsville, according to the provisions

of the Criminal Code in such cases provided; and whereas, the existing law makes no provision to defray the expenses of said Sheriff. For remedy therefor,

1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be and he is hereby directed to issue his warrant on the treasury in favor of S. W. Rennick, Sheriff of Hickman county, for the sum of seventy dollars and fifty cents, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved February 9, 1858.

CHAPTER 265.

AN ACT to incorporate the Hopkinsville Press Printing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John S. Bryan, Wm. H. Scott, Chiles T. Barker, John J. Thomas, Lewis Hardy, Rice Dulin, Larkin T. Brasher, John D. Morris, Hiram Steel, Samuel Bernard, Rob't McKee, L. L. Leavell, and Julian Brown, and their associates and successors, be and they are hereby incorporated, by the name and style of "The Hopkinsville Press Printing Company," and are hereby invested with full power to acquire and hold and convey property, real and personal; to sue and be sued, plead and be impleaded, answer and be answered unto; form a constitution and by-laws; devise and use a common seal; do all other necessary acts not incompatible with the laws and constitution of this State and of the United States.

Commissioner's names.

Corporate powers.

§ 2. The object of this incorporation shall be for the purpose of printing a newspaper, job, and book-work, in the town of Hopkinsville, in this State.

Objects of corporation.

§ 3. The shareholders shall elect from their own body, on the first Monday in April, in each year, five Trustees, who shall continue in office one year, and until their successors are appointed. Until said election, said Trustees shall continue in office, with the same powers as those conferred on the Trustees to be elected under this charter. Said Trustees shall elect a President and Secretary from their own body, and shall have the exclusive power to conduct the affairs of said company, and to bind it either by verbal or written contract. They may elect a Treasurer, and remove him at pleasure.

Trustees to be elected.

Officers to be elected.

§ 4 The said Trustees may, whenever they may deem it necessary, direct a call on the shareholders for the amount required to pay the debts or to carry on the business of said company. Such call must be voted for by

Calls may be made on stockholders.

1858.

at least a majority said trustees, and notice thereof must be given for thirty days in the "Hopkinsville Press" newspaper. Should any shareholder fail or refuse to pay his proportion of said call, the Trustees, by an exhibition of the record of their proceedings making the call, and of their book of transfers, showing the number of shareholders, shall have power to recover before any Justice of the Peace, against said shareholder or shareholders, his or their proportion of said call, by suit in their corporate name.

Annual meeting—when held.

§ 5. The shareholders of said company shall meet annually on the first Monday in April, at their printing office, and the said Trustees shall then and there exhibit a full and fair account of the receipts and expenses of said office. No shareholder can transfer his stock to any person not a shareholder at the time of the passage of this act, without the consent of a majority of the Trustees, recorded in their proceedings; and the said Trustees shall declare dividends out of the profits of said company, or they may, by the consent of said shareholders, respectively, apply them towards enlarging the business of said company.

Approved February 9, 1858.

CHAPTER 267.

AN ACT in relation to the records and papers in the Rockcastle Circuit Court.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky that the papers and records in the Circuit Court Clerk's office of Rockcastle county, have been badly kept, in consequence of which the Clerk, and those having business in said office, are put to great inconvenience and trouble in hunting up and finding records in said office. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. T. Fish be and he is hereby appointed a Commissioner, with such assistance as it may be necessary to employ, to bundle and properly label all papers and suits of importance in said office, and make complete cross-indexes to such of them as it may be necessary to cross-index.

§ 2. That said Commissioner shall enter upon the duties herein assigned him as soon as may be after the passage of this act; and after he shall have completed the same he shall present to the County Court, at its Court of Claims, his account for his services under this act, and it shall be the duty of said court to allow him reasonable compensation for the same, to be paid out of the county levy.

§ 3. That it shall hereafter be the duty of the Clerk of said court, by virtue of his office, to bundle and properly label all papers and records filed in his office, and keep up the cross-index.

1858.

Approved February 9, 1858.

CHAPTER 271.

AN ACT to establish a Sinking Fund for the city of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of providing for the punctual payment of the interest, as it shall fall due, upon the bonds which have been issued by the city of Lexington to pay for stock subscribed by said city in the Lexington and Big Sandy railroad company, and for the final liquidation and redemption of said bonds, a Sinking Fund is hereby created and established, to be made up of the dividends accruing to said city on the stock owned by her in said company, and of the annual tax levied and to be levied in said city for that purpose; which fund shall be forever sacred and set apart and devoted to the purposes pointed out in this act, and to none other.

Sinking Fund created.

§ 2. That in the month of May in each year the Board of Councilmen of the city of Lexington, a majority thereof being present, shall appoint three fit persons residents of said city, who shall be and are hereby constituted Commissioners of said Sinking Fund, and all the sources of income provided by this act shall be under their management and control; and they shall be charged with the payment of the interest as the same shall accrue on the bonds of the city, which have been issued for the purpose aforesaid, out of said Sinking Fund; and they shall, from time to time, invest the surplus money belonging to said Sinking Fund in safe and profitable stocks, in order that said fund may be made profitable and available; and whenever they shall deem it advisable so to do, they may use any portion of the money on hand, constituting said fund, in the purchase and redemption of the bonds of said city, and the same, when thus purchased and redeemed, and all coupons taken in and paid by said Commissioners, shall be cancelled by burning in the presence of the Mayor of the city of Lexington and the Clerk of the City Court of said city, a record of which shall be made by said Clerk.

City Council to appoint Commissioners—duties and powers.

§ 3. The said Board of Commissioners shall be a body politic, and shall have perpetual succession; may sue and be sued, and may do all and singular every act which may be done by a body corporate; and shall be known and designated by the name and style of "the Commissioners of the Sinking Fund for the city of Lexington."

Commissioners a body politic and corporate.

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Further amount
may be levied.

§ 4. In addition to the levy of a tax to pay the interest on said city bonds, as authorized by the act incorporating said railroad company, the city of Lexington, through her legally constituted authorities, shall have power, annually, to levy a further amount, not exceeding ten cents on the hundred dollars, to be collected in the same manner as said authorities are authorized to levy and collect the tax imposed for the payment of interest on said bonds; and the amount thus levied and collected shall be and constitute a part of said Sinking Fund.

Commissioners
to take oath,
term of office,
&c.

§ 5. The Commissioners who may be appointed under this act, shall be sworn to discharge their duties as such Commissioners faithfully; shall hold their offices from the date of their appointment for twelve months, and until their successors shall be duly appointed and qualified; may be removed from office by the Board of Councilmen of said city, a majority of the Councilmen being present and concurring therein; they shall keep a record of their proceedings; shall elect one of their number President of the board, and another Secretary, and in the month of January, in each year, shall make a full report of their proceedings in writing, which, upon being examined and confirmed by the Board of Councilmen of said city shall be entered of record by the Clerk of said city; and upon the approval of said report by said Board of Councilmen a reasonable allowance shall be made to said Commissioners for their services.

Treasurer of
Board to give
bond.

§ 6. The Treasurer of the city of Lexington, for the time being, shall be the Treasurer of said Board of Commissioners, and shall execute a bond, with good and sufficient security, to be approved by said Board of Councilmen, conditioned for the faithful discharge of his duties as Treasurer of said board, and that he will account for and pay to the order of said Board of Commissioners the whole or any part of the funds in his hands as Treasurer of the Sinking Fund—upon which bond, for a breach thereof, any party or person aggrieved may sue.

Compensation
of City Clerk.

§ 7. The Clerk of the City Court of the city of Lexington shall receive for the services required of him by this act the usual compensation given by law for similar services.

Vacancy—how
filled.

§ 8. If a vacancy should occur in said board at any time, the same may be filled by the Board of Councilmen, at the next or any subsequent meeting thereof, a majority of said board being present and concurring therein.

§ 9. This act shall take effect from and after its passage.

Approved February 9, 1858.

CHAPTER 272.

AN ACT for the benefit of James Faulkner.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky that James Faulkner, of Whitley county, has of late years become greatly embarrassed in his pecuniary affairs, and that said Faulkner is the owner of some landed estate; and whereas, said Faulkner, some two or three years ago, bought a negro woman and child in the State of Tennessee, and is not allowed to sell them under five years. Now, to enable said Faulkner to sell said negroes for the purpose of saving his land from being sold to pay off his debts, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the said Faulkner be and he is hereby authorized to sell said slaves without incurring the penalties denounced by law against persons buying slaves in other States, for their own use, who sell them before five years expire. This act to take effect from its passage.

Approved February 9, 1858.

CHAPTER 275.

AN ACT for the benefit of the proprietors of the Union White Sulphur Springs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Union County Court to grant, to the proprietors of the Union White Sulphur Springs, in Union County, a license to keep a bowling saloon at said Springs.

License to keep
bowling saloon
to be granted.

§ 2. That said proprietors of said Springs shall, before said license is granted, execute a covenant payable to the Commonwealth of Kentucky, in the sum of two thousand dollars, conditioned that no betting of any kind shall be done on any game in said bowling saloon, and shall pay a tax to the Clerk of the Union County Court of twenty-five dollars per year, which shall be accounted for by said Clerk as other revenue collected by him.

§ 3. That no license shall be granted under this act for a longer period than one year.

Approved February 9, 1858.

LAWS OF KENTUCKY.

1858.

CHAPTER 276.

AN ACT to extend the corporate limits of the town of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That that portion of the vicinity of Owensboro, heretofore known as Hathaway's addition to the town of Owensboro, is by this act duly incorporated, and subject to all the rules, regulations, rights, privileges, and immunities under the present charter of the town of Owensboro. And said incorporation shall include the following boundary: Beginning at the eastern terminus of Fourth street; thence continuing said street to the eastern side of the old Litchfield road; thence with said road to the river at low water mark; thence down the river to the eastern boundary of the town of Owensboro; and thence with said boundary to the beginning. This act to take effect from and after its passage.

Approved February 9, 1858.

CHAPTER 279.

AN ACT to incorporate the Old Frankfort Turnpike Road Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporate name
and style.

§ 1. That a company be and is hereby created, under the name and style of the "Old Frankfort Turnpike Road Company," for the purpose of constructing a Macadamized Turnpike Road in the counties of Woodford and Fayette, from the city of Lexington down a road known as the "old Frankfort road," to a point where said road crosses the Versailles and Midway Turnpike road, at Hillery Offutt's.

Capital stock.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each.

Books to be
opened, &c.

§ 3. A book for the subscription of stock in said company, under the direction of Ellison H. Arnett, John Jackson, Richard Parrish, John Thorn, and Samuel Chew, jr., Commissioners, any one or more of whom may act, and procure a book, in which the subscribers to the stock of said company shall enter into the following obligation, viz: "We, whose names are hereto subscribed, do respectively promise to pay to the old Frankfort turnpike road company, the sum of one hundred dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times, as shall be required by the President and Directors of said company." Which obligation may be enforced in the proper courts.

Obligation.

§ 4. The book of subscription shall remain open until the whole capital stock, or enough to complete the road, shall have been subscribed.

§ 5. So soon as fifty shares shall have been subscribed, it shall be the duty of the Commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, in the city of Lexington, for the purpose of choosing officers, which notice shall be put up at three of the most public places on the contemplated road, for at least ten days before the meeting; and at said meeting at least two of the Commissioners shall be present, and superintend and conduct the election. There shall be elected a President and five Directors, who shall hold their offices for one year, and until their successors shall be duly elected and qualified; and the said Directors shall elect a Treasurer, and such other officers as they may deem necessary. And the Treasurer, before he enters on the duties of his office, shall execute bond to said company, with security to be approved of by the directory, in the penalty of ten thousand dollars, conditioned that he will perform the duties of his office, and whenever a demand shall be made upon him by the directory, or its authorized agent, pay over all sums of money in his hands as Treasurer; and he shall continue in office until another be appointed by the Directory.

§ 6. At all elections the stockholders shall be entitled to one vote for each share of stock held. The President and Directors shall take an oath before some Justice of the Peace, that they will faithfully discharge the duties of their respective offices, without favor or affection, according to the best of their judgment.

§ 7. That upon the election and qualification of the President and Directors of said company, they shall become a body corporate and politic, by the name and style of the "Old Frankfort Turnpike Road Company," and by that name shall have perpetual succession; contract and be contracted with, sue and be sued, and have all the powers conferred by the Revised Statutes on turnpike road companies incorporated according to its provisions.

§ 8. That the road to be constructed by said company shall be of uniform width with the Manchester turnpike road.

§ 9. That the same rates of toll shall be allowed said company as are prescribed in chapter 103 of the Revised Statutes.

§ 10. That the provisions of sections 7, 9, 10, 11, 16, and 17 shall apply to the corporation hereby created.

§ 11. That the President and Directors shall be authorized to erect a gate at or near each termination of their road, or may erect one gate at any other point on the road, and collect toll of all persons using said road for

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How long books
to be kept open.

Notice of time
and place of
opening books
to be given.

President, &c.,
to be elected—
term of office.

Stock, how
voted.
President, &c.,
to take oath.

Body corporate.

Width of road.

Rate of toll.

When gates to
be erected.

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the distance they may travel upon it, although the length of the road shall be less than five miles. But no gate shall be erected until said road is completed.

Stockholders in
Woodford county
exempt from
working roads.

§ 12. That each and every stockholder in said road, residing in Woodford county, shall be exempt from working or furnishing hands to work on any other road in said county, to the extent of one hand for each one hundred dollars of stock subscribed and paid to said company.

Woodford county
may take
stock.

§ 13. That the County Court of Woodford county may take and subscribe stock in said company.

§ 14. The stockholders in said road failing to pay their calls when due, shall pay ten per cent. interest thereon until paid.

§ 15. This act shall take effect from and after its passage.

Approved February 9, 1858.

CHAPTER 281.

AN ACT to amend the charter of Bardstown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Board of Trustees of Bardstown, if by them it shall be deemed advisable, may expose to sale, either publicly or privately, so much of First street as lies between Market and Arch streets, in said town: *Provided*, A majority of the qualified voters of said town concur therein.

Approved February 9, 1858.

CHAPTER 282.

AN ACT in relation to school districts numbered 4 and 21, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Districts united.

§ 1. That the Commissioner of Common Schools of Campbell county is hereby authorized and directed to unite, and establish into one, school districts numbered four and twenty-one in said county; and, hereafter, three Trustees are to be elected in the district established by this act, in manner and form as provided by law.

N. C. Pettit to
receive money
due said district
on certain con-
ditions.

§ 2. That when N. C. Pettit, of Campbell county, who has erected an Academy or High School, at or near the centre of the districts first above named, shall afford facilities for instructing all the children and youth in the district established by this act, and now or hereafter to be entitled to tuition in the Common Schools, and for the period during which each of said pupils is, or hereafter

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may be, entitled to tuition in the same, said Academy or High School shall be reported as the common school of the district established by this act; and it shall be entitled to all moneys coming to such district from the Common School fund, any act or part of any act heretofore passed to the contrary notwithstanding: *Provided, always,* That when said N. C. Pettit, or those who may hereafter succeed him as preceptors and managers of said Academy or High School, shall cease to afford facilities for instructing all the children and youth of such district, as herein required, then all the benefits hereby conferred on said school shall cease and determine; and the districts hereby united are to be re-organized by a separation of the same, election of Trustees for each of said districts, and teaching of common schools therein, as provided for before the passage of this act, or as may be hereafter provided for by law.

§ 3. This act shall take effect from and after its passage. The General Assembly reserves the right to alter, amend or repeal this act at any time hereafter.

Approved February 9, 1858.

CHAPTER 283.

AN ACT amendatory of the charter of the town of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the words "except the item of equalization," in the second section of the act, entitled, an act to amend the charter of the town of Cynthiana, approved March, 9th, 1854, be and the same are hereby stricken from said act; and that so much of said act as exempts from taxation property classed under the head of equalization is hereby repealed. This act shall take effect from its passage.

Approved February 9, 1858.

CHAPTER 284.

AN ACT to repeal the charter of Baltimore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, an act to incorporate the town of Baltimore, in Hickman county, approved March 8th, 1856, be and the same is hereby repealed. This act to take effect from its passage.

Approved February 9, 1858.

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CHAPTER 285.

AN ACT to incorporate the Pocahontas Tribe, No. 3, of the Improved Order of Red Men, at Newport.

Whereas, it is laudable to associate together for such humane and benevolent purposes as to attend upon and provide for the indigent sick and afflicted, to bury the dead, protect and provide for the widow, and educate the orphans. Therefore, to carry out the aforesaid purposes, and none other, in the city of Newport,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name
and powers.

§ 1. That John Butcher, Henry Ritte, Louis Faass, and their associates, be and they are hereby created a body corporate, by the name and style of "Pocahontas Tribe, No. 3, of the Improved Order of Red Men;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Tribe to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution and laws of the United States or of this State.

May hold real
and personal estate.

§ 2. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding five thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest or dispose of the proceeds.

§ 3. The right to alter, amend or repeal this act is hereby reserved to the General Assembly. This act to take effect from and after its passage.

Approved February 9, 1858.

CHAPTER 286.

AN ACT to amend the charter of the town of Concord, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May elect Police Judge.

§ 1. That on the first Monday in August, 1858, and on that day of the month every fourth year thereafter, the qualified voters of the town of Concord, in the county of Lewis, shall elect a Police Judge for said town, who shall hold his office for the same time that County Judges are allowed by law to hold theirs.

§ 2. Within said town the Police Judge shall have concurrent jurisdiction in all cases with that of Justices of the Peace, and when sitting as a court of inquiry or examining court in criminal cases, he shall have the same power and jurisdiction conferred by law upon two Justices of the Peace. He shall have jurisdiction of all offenses under the by-laws and ordinances of said town. He shall keep a record of his proceedings, as Justices of the Peace are required to do; appeals may be taken from his judgments in the same manner that appeals are allowed to be taken from judgments of Justice of the Peace; and for his services he shall be entitled to the same fees allowed to Justices of the Peace for similar services.

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Powers.

§ 3. A Marshal for said town shall be elected by the qualified voters thereof, on the first Monday in August, 1858, and on the same day of the same month every second year thereafter. He shall enter upon the discharge of the duties of his office on the first Monday in January next after his election, and continue in office two years therefrom. He shall be ineligible after the second term in the same manner as Sheriffs. He shall, before he enters upon the duties of his office, be sworn faithfully to discharge them. He shall execute a covenant, with good security, to be approved of by the Trustees, stipulating for the faithful discharge of the duties of his office; and for a violation of which, or any of his duties as Marshal, he and his sureties may be sued or moved against in the same manner as Constables and their sureties. He shall execute the process and precepts issued by the Police Judge. He shall be collector of the town taxes and revenues, and for which service he shall be allowed a reasonable compensation by the Trustees. For his other services he shall have the same fees allowed by law to Constables for similar services.

Marshal to be elected.

Powers and duties.

§ 4. The Board of Trustees of said town may annually appoint an Assessor to take in the list of taxable property in said town. They may likewise appoint a Treasurer for said town, whose duty it shall be to receive and keep the public revenues of the town, subject to the order of the Board of Trustees. He shall execute a covenant with good security, to be approved of by the Trustees, stipulating for a faithful discharge of the duties of his office.

Assessors, &c., to be appointed.

§ 5. The Board of Trustees may annually levy and collect a poll tax, not exceeding one dollar and fifty cents upon each tithable in said town, white or black. They may also annually levy and collect an *ad valorem* tax upon the real and personal property in said town, not exceeding fifteen cents on the one hundred dollars in value, for the uses and purposes of the town.

Powers of Trustees, &c.

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May cause
streets & alleys
to be kept clean,
&c.

§ 6. The Board of Trustees shall have power and authority to cause the streets and alleys of said town to be kept open, clean and in repair. They may, by their orders, require the owners of lots in said town to construct pavements or sidewalks, and plant shade trees in front of their respective lots, and enforce the same by their by-laws and appropriate penalties thereunder. They may also construct roads or wharves from the streets in said town to the water's edge in the Ohio river.

Inferior officers
may be appointed.

§ 7. They may also appoint such other inferior officers, within and for said town, as they may by their laws create, as they may deem necessary for the proper police and regulation of said town.

Approved February 9, 1858.

CHAPTER 287.

AN ACT authorizing the County Judge of Ohio county to submit to the qualified voters of said county the propriety of voting a tax for road purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Judge of Ohio county may, by order entered on the books of his court, submit to the qualified voters of said county, at the next general August election in 1858, whether they will tax themselves to the amount of seventy-five cents on the head of each person and slave who, by law, is now compelled to work the roads; and if the tax is so voted those who, by law, are compelled to work shall pay to their overseers said sums on demand, unless they prefer to work, and on their failure to do the one or the other they shall be subjected in manner and form to the penalties now denounced by law on their failing to work. The Sheriff is hereby directed, under the penalty of twenty dollars, to be recovered by indictment or presentment in the Circuit Court, for each offense, to stick up one notice in each voting district of said county, specifying the object of the vote. The Clerks of the different election precincts, under like penalties in last preceeding section, and recoverable in like manner, shall open two columns, one for and one against the tax; and the several Sheriffs shall propound to each voter, "are you for or against the tax?" Which vote shall be returned and compared as the returns for representatives are now, by law, directed to be returned; and if a majority have voted for the tax this act shall immediately take effect. The several overseers shall expend the sums of money collected in the improvement of the roads in their respective districts, and shall report to the County Courts, semi-annually, the amounts of money thus col-

lected and expended. *It is further enacted*, that all sums received by indictment or presentment of the grand jury, as herein before prescribed against Sheriffs and Clerks, shall be disposed of, one-fourth to the Commonwealth's Attorney, and the remainder to be paid to the Commissioner of distribution, amongst the school districts of said county.

1858.

Approved February 9, 1858.

CHAPTER 288.

AN ACT for the Benefit of the Spencer and Nelson Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the Spencer and Nelson Turnpike Road Company to erect a toll gate at any point on said road said company may select: *Provided*, Said gate be not located nearer the present limits of Taylorsville than one half mile. And it shall be lawful for said company to collect the tolls allowed by law for traveling on turnpikes, for the use of said road by the public, in the same manner as if five continuous miles of said road were finished: *Provided, however*, That this act shall cease in its effect if said company shall not complete five continuous miles of said road within one year from the passage of this act.

Approved February 9, 1858.

CHAPTER 289.

AN ACT for the benefit of the Maysville and Mount Sterling Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the Maysville and Mount Sterling Turnpike Road Company to appropriate, from time to time, the dividends from the stock of said company to the erection of a bridge on said road across Licking river: *Provided, however*, That a majority of the stockholders in interest in said road shall, at a regular annual meeting, by vote, sanction the appropriation of said dividends to the erection of said bridge.

§ 2. After said bridge is completed, the company may collect, for crossing, the same rates of toll as they are by law allowed to collect at one of their gates for five miles of travel on said road.

Approved February 9, 1858.

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CHAPTER 290.

AN ACT to amend the charter of the Bardstown and Louisville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Former act
construed.

Duty of com-
missioner of tax

How right of
way, &c., may
be obtained.

§ 1. That the 8th and 11th sections of an act, entitled, an act to amend the Bardstown and Louisville railroad company, approved March 6, 1856, shall be construed to embrace all property and estates listed for taxation, including the value under the equalization laws. And it shall be the duty of the Commissioner of tax in Nelson county, annually, to take in and report the property, real and personal, and its value, and also the value under the equalization laws of that part of Nelson county subject to railroad tax, at the same time that he reports his book or books for revenue purpose.

§ 2. That the 13th section of an act to incorporate the Bardstown railroad company, approved March 10, 1854, be so amended as to authorize the said company, instead of the mode prescribed in the original acts, whenever they desire to obtain the right of way, or the condemnation of stone or other material for the use or repair of said road, as now located, or as may be hereafter located, where the owner and company cannot agree, or where the owners of the land are infants, *feme coverts*, or non-residents, it shall be lawful for the President of the company, or his attorney or agent, to apply to the Nelson Circuit or County Court, who shall appoint a competent engineer, and two disinterested housekeepers, as Commissioners, any two of whom may act, to examine the route of said road as may be located, or may be proposed to be located, and to take from the proprietor of the land through which it is to pass a grant of the right of way, of such width as may be desired, and which may include the right to take stone, earth, gravel, or timber, for construction or repair of said road; and they, jointly or severally, shall have power and authority to take and certify, under their hands and seals, the acknowledgement of such grant in fee or right of way, and the separate acknowledgement of married women, as the Clerks of the several County Courts now have by law. And on the presentation of the grant and acknowledgement of the right of way to the Clerk of the County Courts where the land lies, it shall be recorded, and shall be effectual against all persons according to the tenor thereof. But when the parties are infants, *feme coverts*, absent or refuse to make the grant, they shall hear any proof that may be added, and upon their own view proceed to value any land acquired for the right of way, depots, turn outs, or water stations, taking into consideration the advantages and disadvantages the proposed road will be to the

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adjoining lands of such proprietor, and report the actual value they shall have affixed upon the land, together with the evidence adduced, to the court appointing them, or to the Circuit Court of the county in which the land may be, and shall also report the advantages and disadvantages the road may be to the adjoining lands of the proprietors; and said report shall be filed with the Clerks of such court, and a summons issued to the proprietor to show cause against the confirmation of such report. If the proprietor shall be out of the Commonwealth a summons may be executed upon a known agent, if there be one in the State; if there be no known agent in the State, then the court may order the appearance of the party on a named day, and order the Clerk to give the proprietor notice, in a newspaper, for at least two weeks, and in case that there be infant proprietors, the court shall appoint guardians for them. If an absent defendant does not appear, the court shall appoint an Attorney to defend for them. It shall be lawful for the company or proprietor, or both, to traverse the reports, and for the court to have the traverse tried in open court by a competent Jury. On the trial the report and evidence shall be heard, together with such proof as either party may produce. A new trial to the finding of the jury may be granted, as in other cases. The report shall stand for hearing, as to any proprietor, when the process shall have been executed ten days; and on the day fixed for an absent proprietor the court shall have jurisdiction to confirm the reports if no traverse is filed—the traverse to be tried by a jury, and judgment awarded upon the report of the Commissioner, or finding of the jury; to order the payment of the money and execution of the grant, in accordance with the report of Commissioner, or finding of the jury, which shall be made by a Commissioner to be appointed by the court, and order the same to be recorded in the County Clerk's office of the county where the land lies. Either party may have an appeal from the proceedings, but no appeal shall stop the company from proceeding with the construction of the road.

§ 3. Whereas, the Trustees of Bardstown, under the provisions of the amended charter of said railroad company, upon the petition of a majority of the qualified voters, resident in said town, subscribed ten thousand dollars of stock in the said railroad company, for and on behalf of the citizens and tax-payers of said town; and whereas the Trustees, in their corporate right, subscribed three thousand dollars of stock in said road. In order to enable the Trustees to collect the money, and pay the said subscriptions, it shall be their duty to appoint an Assessor of property, to assess the property held and owned by individuals living and resident in said town, and the pro-

Trustees to appoint assessor of property.

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His duty.

Duty of persons
to give in list.Penalty for re-
fusing.Collector to be
appointed—his
powers & duties

perty of individuals situated in said town who do not reside therein, in the same manner and mode that they assess estate for taxation for town purposes, by the laws and ordinances now in force, the value to be fixed, at the same period of the year. The property to be assessed under this act, and to be taxed by the Board of Trustees, to pay the stock subscribed, shall be the same subject to taxation for state revenue, including the estate taxed under the equalization law. It shall be the duty of the Assessor to proceed to take in the list and valuation of the same estate, and in the same manner, under the same law, rules, and orders now in force for listing the property for taxation, for town purposes in said town. It shall be the duty of all persons liable to taxation, under the provisions of this act, and that to which this is an amendment, when called upon to give in, on oath, a true and full list of the property owned by him, subject to taxation for revenue purposes, if situated in said town, which shall also include the estate subject to taxation under the equalization law, if the person shall reside within the limits of said town. If the owner of estate subject to taxation under this act does not live within the limits of said town, he shall only be required to list for taxation the estate so located. If any persons, liable to be taxed under the provisions of this and the original act to which this is an amendment, and under the ordinance of the Board of Trustees heretofore or which may hereafter be made by the Trustees to carry the same into effect, shall refuse to give in his list of property, when called on by the Assessor for that purpose, he shall be fined, for each offense, ten dollars, to be recovered by warrant before the Police Judge of said town; and the Assessor shall proceed to list the property of each person so refusing, and value the same, from the best evidence he can obtain.

§ 4. The Trustees shall appoint a Collector to collect the tax which they shall impose under this law, which tax shall be uniform upon all the citizens liable to taxation under it. The Collector shall give bond and security for the faithful performance of his duties under this act, to be approved by the Trustees, and for the payment of the money collected by him, from time to time, as may be required by the Board of Trustees, to be by them paid in discharge of the subscription of stock subscribed in the said railroad company; and upon failure to do so the same may be recovered by suit or motion before the Police Judge of Bardstown, or the Presiding Judge of Nelson county, or the Circuit Court, against the Collector and his sureties, who shall pay the same with ten per cent. damages, besides interest and cost, without the right to replevy the same.

§ 5. The certificates or receipts for taxes paid for railroad, under this and the law to which this is an amendment, shall and may be sold, and transferred as choses in action.

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Tax receipts may be sold and transferred.

§ 6. It shall be the duty of the Assessor of Nelson county to list and assess the estate, separately, in the election precincts Nos. 1, 5, and 9, in said county, which has been made subject to taxation to pay the stock subscribed by the County Court in the capital stock of said company, and make due return of the same at the time and in the manner he is required to do with the assessments made for revenue purposes; and he shall be governed in all respects by the laws regulating his duties in making the assessment and valuation of estate for revenue purposes, and be allowed the same ratio of compensation, and paid for in the same manner he is paid for similar services in assessing and listing estate for revenue purposes. This act to be in force from and after its passage.

Assessors to list property separately in certain precincts.

Approved February 9, 1858.

CHAPTER 291.

AN ACT to incorporate the Louisville Marine Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George W. Meriwether, Andrew Buchanan, Charles H. Lewis, Julius Von Borries, Roland Whitney, Alfred L. Shotwell, and Henry Oberndorfer, of the city of Louisville, Commissioners, and the subscribers of stock in this Company, and their successors, shall be and are hereby declared to be a body politic and corporate, by the name and style of the "Louisville Marine Insurance Company," and by that name shall have perpetual succession, and shall be capable, in law, to hold, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, tenements, and hereditaments, goods, chattels, choses in action, public or private securities of any kind, quality, or nature whatsoever, and to sell and dispose of the same at any time, or in any manner; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity; to make and use a common seal, and the same to break, alter, or renew at pleasure: *Provided*, Said company shall not engage in trading in goods, wares, and merchandize, as merchants.

Corporators names and corporate powers.

§ 2. That the capital stock of said company shall be one hundred thousand dollars, which may be increased, at the will of the stockholders, to any amount not exceeding two hundred thousand dollars, divided into shares of

Capital stock—how and when paid.

1858.

fifty dollars each. At the time of subscribing, there shall be paid on each share five dollars, immediately after the election of Directors; and before the company goes into operation there shall be paid the further sum of five dollars per share, and the balance on each share shall be subject to the call of the Directors, and shall be secured by personal security by the hypothecation of stocks, other than that of the company, or by the hypothecation and mortgage of any other property, or in any other way which shall be satisfactory to and approved by the President and Directors, for the time being; the said securities shall be renewed whenever the President and Directors may consider it proper; and any stockholder neglecting or refusing to renew his security, or neglecting or refusing to pay an instalment when required by the Directors, shall forfeit all his interest in the company, and be held liable for his proportion of any loss which may have accrued previous to such neglect or refusal.

Forfeiture may
be remitted.

§ 3. That should any forfeiture occur it may be remitted by a majority of the whole Board of Directors present at the meeting at which the motion for such remission shall be made, upon the payment, by the person incurring the forfeiture, of the principal of said instalment, and interest thereon up to the time of such payment, as also of his proportion of such loss, as may have occurred previous to such forfeiture.

When company
organized, &c.

§ 4. That so soon as two thousand shares are subscribed for and paid, or secured to be paid, the company shall be organized, and be competent to transact kinds of business for which it was established.

Books to be
opened for sub-
scriptions.

§ 5. That the said Commissioners, or any one or more of them, shall, within twelve months from the passage of this act, open books for the subscription of stock. Five days notice of the time and place of opening the books shall be given in one or more of the daily newspapers of the city of Louisville. If the two thousand shares shall not be subscribed for at the first opening of the books, the Commissioners shall have power to re-open them whenever they think fit or equitable, and as often as may be necessary, until the two thousand shares be subscribed. When the two thousand shares shall have been subscribed the Commissioners shall give the like notice of the time and place of the meeting to be held by the stockholders for the election of the President and Directors; and the time fixed in said notice for the meeting shall be within sixty days after said number of shares shall have been subscribed. No individual or co-partnership, firm or company shall subscribe for, or at any time own more than two hundred shares of the stock.

Officers, when
to be elected,
&c.

§ 6. That the affairs of this company shall be managed by a President and Board of six Directors, to be elected

Affairs of com-
pany, how man-
aged.

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by ballot, all of whom shall be stockholders; any stockholder owning ten shares or more of stock, shall be eligible as a President or Director.

§ 7. That no Director of any other Insurance Company shall be a Director of this; and should any Director of this Company be elected a Director of any other Insurance Company, his acceptance of that appointment shall disqualify him from continuing a Director of this company, and the company shall proceed to fill up the vacancy as hereinafter provided.

Director in another company shall not be Director in this.

§ 8. That the stockholders of this company shall hold a meeting, in pursuance of the notice given by the Commissioners, for the first election of President and Directors within sixty days after the two thousand shares of stock shall have been subscribed; and on the second Monday in January in each and every year thereafter, and choose, by ballot, from among their number, a President and six Directors. Each stockholder shall have one vote for each share of stock not exceeding twenty shares, and one vote for every five shares over twenty. The President and Directors first chosen shall serve until the second Monday of the succeeding January, and until others shall be chosen, and no longer. In case of the death, resignation, or disqualification of the President, or of any Director, the Directors shall fill the vacancy by ballot.

Annual and other meetings, when held.

Stock, how voted.

Term of office.

Vacancy—how filled.

§ 9. That the corporation herein and hereby created shall have full power and lawful authority to insure all kinds of property against loss or damage by fire, and to make all kinds of insurance on vessels, all kinds of craft, and boats of every description which navigate fresh or salt water, as well as on goods, wares, merchandize, produce, and every description of property transported by land or water from any port or place in the United States to any port or place within the same, and from any port or place in the United States to any foreign port or place, or from any foreign port or place to any port or place in the United States, and from any one foreign port to any other foreign port; to effect re-insurance, and generally to do and perform all things relative to the object of this institution which now is or shall be lawful for any individual or body politic or corporate to do, and all other things necessary and proper to promote these objects; and it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property in any public stock or funded debt created or to be created by or under any law or laws of the United States, or of this or any other State, or in the stock of any chartered bank in this or any other State or of the United States, and the same to sell and transfer at pleasure, and again to invest the same, or any part thereof, in such stocks or funds whenever and so often as the exigencies of said

Business of company.

May invest funds.

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corporation, or a due regard to the safety of the funds, shall require; or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time and under such restrictions and limitations as the Directors, for the time being, shall deem prudent and best for the interest of said company.

Dividends may
be declared.

§ 10. That the President and Directors shall have power, and it is hereby made their duty, to make and declare such dividends of the profits resulting from the business of said company as shall not impair nor in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders thereof: *Provided*, That no such dividend shall be paid, but shall be passed to the credit of such stock as part payment thereof, until one half of the capital stock shall be paid in, after which the profits arising from the business may, at the option of the Directors, be divided among the stockholders in proportion to the amount of stock held by them.

May appoint
Secretary, and
make by-laws.

§ 11. That the President and Directors shall have power and authority to appoint a Secretary, and such other clerks and officers under them, as shall be necessary for transacting the business of said institution, and may allow them such salary as they shall judge reasonable, and to ordain and establish such by-laws as shall appear to them necessary for regulating and conducting the business of the company not contrary to this act, the constitution and laws of this State or of the United States. They shall keep full, fair, and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders.

To keep record.

Stockholder not
liable in individual
capacity
for losses of the
company.

§ 12. That no stockholder or member of said company shall be answerable, in his personal or individual property, for any contract or agreement of said company, or for any losses, deficiencies, or failure of the capital stock of this company; but the whole of the said capital stock, together with all property, rights, and credits belonging thereto, and nothing more, shall at any time be answerable for the demands against the said company.

Stock may be
transferred.

§ 13. That transfers of stock may be made by any stockholder, or the legal representative of any stockholder. The transfers of stock shall be made on a book kept for that purpose, and can only be done by a stockholder in person or by power of attorney; but no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the President and Board of Directors.

General meeting
may be called.

§ 14. That the President and Directors may call a general meeting of the stockholders for any purpose relative to the affairs of the institution, giving them notice there-

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of. Any number of stockholders representing a majority of the stock may, at any time, apply to the President and Directors to call a general meeting of the stockholders for any purpose relative to the affairs of the company; and if the President and Directors refuse to call such meeting, the said stockholders owning a majority of the stock shall have power to call a general meeting of the stockholders, giving at least two weeks notice in two of the daily newspapers of the city of Louisville, specifying in such notice the object of the meeting.

§ 15. That should it so happen, from any cause whatever, that the annual election of President and Directors shall not take place in any year in the day herein before mentioned, this corporation shall not for that reason be dissolved, but such election may be lawfully held on such convenient day thereafter as may be fixed on by the President and Directors for that purpose, they giving ten days notice thereof in two of the daily newspapers of the city of Louisville.

Company not dissolved if annual election is not held.

§ 16. That all policies or contracts of insurance which may be made or entered into by the said corporation, shall be subscribed by the President, or President *pro tem.*, and signed and attested by the Secretary, and being so signed and attested, shall be binding and obligatory upon the said corporation without the seal thereof, according to the tenor, extent, and meaning of such policies or contracts.

Policies to be signed by the President and Secretary.

§ 17. That the said Board of President and Directors may cause the business of insurance, authorized to be done under the provisions of this act, to be done under the general provisions of law regulating Mutual Insurance Companies, upon the approval of a majority of the stockholders in said company, under by-laws passed by the Board for such purpose.

Business may be transacted under provisions of general law.

§ 18. The General Assembly reserves the right to repeal, alter or amend this charter at pleasure.

Repealing clause.

§ 19. This act shall take effect from and after its passage.

Approved February 9, 1858.

CHAPTER 292.

AN ACT for the benefit of Wright Ray, and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the Treasury, one in favor of Wright Ray, one in favor of Lewis Noland, one in favor of Charles White, one in favor of William Allory, and one in favor of John Mahanney, all of the

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State of Indiana, for the sum of twenty-five dollars each, for expenses incurred in attending in Kentucky as witnesses against Elijah Anderson, a negro thief, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved February 9, 1858.

CHAPTER 293.

AN ACT to incorporate the town of Stamping Ground, in Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town incorpo-
rated.

§ 1. That the town of Stamping Ground, in Scott county, is hereby incorporated with the lots and streets, alleys and lands, in the boundary of said town, as shown on the records of the Scott county Clerk's office.

Trustees to be
elected, & who
may vote.

§ 2. That on the second Saturday in April next, and on the second Saturday in the said month in each year, an election shall be held in said town for the choice of five Trustees, to serve said town for the ensuing year, and until their successors are elected and duly qualified; and all resident white male citizens of said town over the age of twenty-one years, shall have the right to vote at said election; but no person shall be qualified to act as Trustee who shall not be a resident of said town, nor until he shall have taken an oath before a Justice of the Peace faithfully to perform the duties of his office. The first election shall be held under the supervision of the Sheriff, or a Justice of the Peace for said county, and subsequent elections in the manner directed by the Trustees.

Corporate name
and powers.

§ 3. That the Trustees, and their successors, shall be a body corporate, under the name and style of the "Trustees of the town of Stamping Ground," and as such may sue and be sued, plead and be impleaded, answer and be answered, contract and be contracted with, and may have and use a common seal, and alter the same at pleasure; they shall have power to make such rules, regulations, and by-laws, for the government of said town, as they may deem advisable: *Provided*, They are not incompatible with the constitution and laws of this State or of the United States.

To open streets
and alleys, &c.

§ 4. That said Trustees shall have power to open the streets and alleys of said town, to grade, pave, and McAdamize them, and to make such other improvements, for the benefit of said town, as they may deem proper.

May levy tax,
and appoint a
Collector.

§ 5. That said Trustees shall have power to tax the real and personal property within the limits of said town, not exceeding twenty-five cents for each one hundred dollars of the value thereof, and they shall have power

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to levy a capitation tax on all white male citizens and resident slaves over twenty-one years of age, not to exceed one dollar in each year; and they may appoint a Collector to serve for one year, and shall require the Collector to give bond and security for the faithful performance of his duties, in such penalty as they may deem proper.

§ 6. That said Trustees shall have power to appoint an Assessor, whose duty it shall be to assess the property in said town liable to taxation under this act, and he shall take the list of all the property in said town on the 1st day of May in each year, and return the same to the Trustees.

Assessor, his duties.

§ 7. The Trustees shall have a lien on all property in said town, both real and personal, for the tax; and the Collector shall have power to levy on and sell personal property for tax; and in the event that the tax on any real estate in said town shall remain unpaid for one year after it is due, said Trustees may order the Collector to levy upon so much of said property as may be sufficient to pay the amount of tax and costs that may be due, and in pursuance of said order the Collector shall make said levy, and after having advertized the said property for sale at three places in said town for at least fifteen days, shall proceed to sell so much as may be necessary to pay the tax and costs thereon, to the highest and best bidder, to whom said Collector shall give a certificate of his purchase, upon his paying the amount bid, which certificate shall entitle the purchaser, his heirs and assigns, to demand from and receive from said Trustees a deed of conveyance at any time after twelve months from the time of sale, unless the owner or owners thereof shall have redeemed the same by paying or tendering to the purchaser, and giving notice to the Trustees of such payment or tender, of the amount of said purchase money, with twenty per cent. thereon; and in case a conveyance is made, the purchaser shall pay all expenses of making the same: *Provided, however*, That non-residents of the county shall have two years to redeem in, under the same regulations above provided for others, with the addition of twenty per cent. more, if not redeemed in the first year: *And, provided further*, That infants, *femes covert*, idiots, and lunatics, may redeem their property within three years after their several disabilities shall have ceased, by paying the amount of tax, and twenty per cent. per annum from the time of sale.

May have a lien on property for tax.

§ 8. All moneys collected by a judgment of a Justice of the Peace, for a violation of any of the ordinances or by-laws of said town, shall be paid over to the Collector for the use of said town.

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Fines, &c., how
regulated.

§ 9. No fine for the violation of the by-laws of said town shall exceed twenty-five dollars; and all fines for violations of said by-laws may be recovered upon warrant in the name of the Board of Trustees of Stamping Ground, as plaintiffs, before a Justice of the Peace of Scott county, in the same manner that fines are now recovered for breaches of the penal laws of this Commonwealth; and upon any judgment rendered for said fines, a *capias profine* may be issued, as in proceedings in the name of the Commonwealth for a breach of the penal laws.

§ 10. The Legislature reserves the right to alter, amend, or repeal this act at pleasure. This act to take effect from its passage.

Approved February 9, 1858.

CHAPTER 295.

AN ACT to amend an act establishing the town of Vanceburg, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may
levy and collect
poll tax.

§ 1. That the Trustees of the town of Vanceburg, in the county of Lewis, shall have power and authority to levy, annually, a poll tax of one dollar and fifty cents upon each tithable inhabitant of said town, white and black; also to levy at the same time an *ad valorem* tax upon all property in said town, real and personal, to be collected and accounted for by the proper officer, in the same manner that the Sheriffs of this Commonwealth are by law required to collect and account for the tithes and revenue tax placed in their hands for collection.

Streets to be
kept open, and
paved.

§ 2. The said Trustees shall also have power and authority to cause the streets and alleys in said town to be kept open and in repair, and to require the owners of real estate in said town to make suitable side-walks along and in front of their lots. And if any owner of real estate, after being so required, and notified in writing of such requirement, shall fail, for the space of six months after such notice, to make the side-walks as required by the Trustees, the said Trustees may proceed to have such side-walks made at the cost of the owner of the lot. And for the sum thus expended by the Trustees the owner of the lot shall be liable, and its payment may be enforced by proceedings in the name of the Trustees, in the proper court.

May construct
grade to river.

§ 3. The said Trustees shall have power and authority to construct one or more suitable grades to the edge of the water in the Ohio river, along any street, or over any of the lots or commons belonging to said town; and for

that purpose may make the necessary appropriation from the public revenues of the town.

1858.

§ 4. A Marshal for said town shall be elected by the qualified voters thereof on the first Monday in August, 1858, and on the same day every second year thereafter, who shall enter upon the discharge of his duties on the first Monday in January next after his election, and continue in office for two years. The Trustees of the town shall, by an order of the board, appoint the place in which said election shall be held, and give notice of the same ten days before such election. It shall be the duty of at least two of the Trustees to open the polls at the election of Marshal, and superintend the voting, compare the polls, and declare who is elected to said office. The Marshal shall be collector of the taxes and public revenues of the town; he may execute such process and precepts in civil, penal, and criminal cases, as may be directed to him by any officer of the town authorized to issue the same, and for which he shall receive the same fees and commissions now allowed by law to Sheriffs for similar services.

Marshal to be elected, and his duty.

§ 5. Before the Marshal shall enter upon the duties of his office he shall take an oath before some competent officer, faithfully to discharge the same; and shall, likewise, execute a bond, payable to the Trustees, with good security, to be approved of by them, stipulating for a faithful discharge of his official duties, for a violation of which an action or other proceedings may be had thereon by the person aggrieved.

Take oath.

§ 6. This act shall take effect from and after its passage.

Approved February 9, 1858.

CHAPTER 296.

AN ACT to incorporate the American Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all such persons as shall become stockholders to the capital stock herein after mentioned, their successors and assigns, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of the "American Insurance Company," and the office of said company shall be located in the city of Louisville.

Name and style.

§ 2. That the capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and there shall be paid into the Treasury of said company by each subscriber to the capital stock, at the time of subscription, an instalment of ten per cent. on the stock by him sub-

Capital stock.

1858.

scribed, and the remainder shall be paid, or amply secured to be paid, in such securities as the President and Directors may deem sufficient, at such times and in such amounts as said President and Directors shall direct; and that the said company shall not commence business until one hundred thousand dollars shall be paid in, or secured to be paid in, as aforesaid.

To be managed
by nine Directors.

Annual elections, &c.

Election, how conducted.

§ 3. That the stock, property, and affairs of said corporation shall be managed and conducted by nine Directors, who may respectively hold their offices for one year, and until others are chosen in their stead. The annual election for Directors shall be held on the second Monday in January in each year, at the office of the company, and the Directors first chosen shall serve until the ensuing second Monday in January, notice of which shall be given in one or more of the papers published in Louisville, at least ten days previous to said election. Such election shall be held under the direction of three stockholders to be appointed by the Directors, and shall be by ballot; and a plurality of votes of the stockholders, and their proxies, allowing one vote for every share of stock; shall be sufficient to elect; and no person shall be a Director who does not own ten shares of the stock, and is not a resident of the city of Louisville or county of Jefferson.

President to be chosen.

§ 4. That it shall be the duty of the Directors on organizing the company, and annually thereafter, to choose out of their number a President; and in case of death or removal from the county of any President or Director, the remaining Directors shall elect some person to fill the vacancy for the residue of the year.

Commissioners to receive stock.

§ 5. That Jesse K. Bell, Charles Gallagher, Haydon T. Curd, Wm. H. Stokes, Marshall Halbert, S. A. Heartwell, Bryan Roach, E. L. Huffman, and Geo. W. Barclay, be Commissioners to receive subscriptions to the capital stock of said company; and as soon as one thousand shares or more of said stock shall be subscribed, the Commissioners shall call a meeting of the stockholders, by an advertisement published at least five days previously in one or more of the daily papers published in Louisville, stating the time and place at which such meeting of the stockholders shall be held, and they shall, by ballot, elect the first Directors of said company. Said Commissioners shall appoint three inspectors of said election, who shall be stockholders in said company; but it is *provided, nevertheless*, That in case of death or resignation of any of the Commissioners above appointed, then the remainder shall select others to supply vacancies so occasioned. The Directors thus elected shall continue in office until the next annual election, as hereinbefore appointed, and until their successors shall be elected.

When meeting may be called & Directors elected.

Inspectors to be appointed.

§ 6. That the said company shall have power to make insurance upon vessels, freights, goods, wares, and merchandize, and to make all and every insurance connected with marine risks, and the risks of transportations and inland navigation; to make insurance upon stores, dwelling houses, and all kinds of buildings, and upon household furniture, merchandize, and other property; against loss or damage by fire; and said company shall be and are authorized to make insurance on lives, and to contract for, sell, and grant annuities, and make all contracts in which the casualties of life are involved, and to cause themselves to be re-insured when deemed expedient.

§ 7. On the second Monday in July, and on the second Monday in January in each year, half-yearly statements shall be made of the condition of the capital, and of the state of accounts of the company, and exhibited to stockholders, when such a dividend of the profits shall be made as a majority of the Directors shall decide, but in no case shall the capital stock paid in be diminished.

§ 8. That it shall and may be lawful for the said company to take and hold real estate, and to sell or exchange the same, they may loan their money upon public or private securities, but shall in no case exercise the business of banking by issuing notes as an incorporated bank.

§ 9. That the said company shall continue until the thirty-first day of December, nineteen hundred and eight; and by their name, "American Insurance Company," are made capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, goods, chattles, public, or private securities, and to sell and dispose of the same at any time, and in any manner; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or in any other place whatsoever; also, to make and use a common seal, and the same to break, alter, or renew at pleasure; also, to ordain, establish, and to put in execution such by-laws as may be convenient for the government of said corporation, not contrary to law, and may repeal, alter, or amend the same.

§ 10. That the President and Directors for the time being shall have power to appoint such officers and agents under them as shall be necessary for prosecuting the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the discharge of their respective duties and trusts. And the President and Directors shall make by-laws and ordinances to govern the corporation, and may repeal any by-law passed by the shareholders; and the President and four Directors shall constitute a quorum for the transaction of business, or five Directors without the President, one of whom shall be chosen for the time being President.

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Business of company.

Statements to be made, and dividends declared.

May hold real estate.

Corporate powers.

May appoint officers and fix compensation.

May make by-laws, &c.

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How certificates
of stock may be
transferred.

§ 11. The form of certificates of stock, and the manner of transferring such certificates, shall be prescribed by the President and Directors; and a lien is hereby created in favor of the corporation on the stock of each shareholder for any claim the company may have for the unpaid part of his subscription or debts due or owing by said shareholder to said company; and it shall be the duty of the Directors, at least once in each year, (or oftener if they deem it necessary,) to examine all notes given by the shareholders in said company for the balance on account of stock; and should a majority of the Directors be of the opinion that the surety or sureties of any note is not good, they shall give notice to such shareholders that a new note or notes, with additional or other security or surety, is required. Should such surety or sureties not be given within thirty days, it shall be the duty of the said Directors, and they are hereby authorized to advertise such share or shares of stock for sale, in one or more newspapers published in the city of Louisville, for the space of thirty days, and sell such share or shares of stock to the highest bidder for cash, for such part of said stock as has been paid in cash with good security or sureties, and on the payment of the cash and the execution of the notes, with satisfactory security, for the residue due on said shares of stock, it shall be the duty of the President or Secretary of said company to issue to the purchaser a certificate or certificates of stock in place of those held by the former owner; and on presentation and surrender of the former certificate or certificates of stock, the President and Directors shall pay over to the holder the cash for which such share or shares were sold, first deducting the cost and charges of sale, and any debt due the company by said shareholders.

Corporation not
to be dissolved
if election is not
held.

§ 12. That should any election directed to be held under the charter of the said company, from any cause be neglected to be held on the day designated, or be held on a subsequent day, the corporation shall not, on that account, be dissolved; but any or all elections held in good faith shall be valid, as if held on the day designated in the act of incorporation.

Writs may be
served on Presi-
dent or Secreta-
ry.

§ 13. Writs and other legal process may be served on the corporation, by executing the same on the President or Secretary, which shall authorize a judgment by default, if the corporation fail to appear.

Policies to be
signed by the
President and
attested by the
Secretary.

§ 14. All policies of insurance, or other contracts, authorized by this act, which shall be made and entered into by said corporation, may be with or without the seal thereof, and shall be subscribed by the President, and attested by the Secretary; and being so signed and executed and attested, shall be binding and obligatory upon the said corporation, according to the true intent and

meaning of such policies and contract; and all such policies may be so made, signed, and executed and attested, without the presence of the Board of Directors.

§ 15. In no case shall this corporation exercise the business of banking, by issuing notes as an incorporated bank.

§ 16. This corporation shall not make or establish any agency or agencies, as underwriters, except within this Commonwealth, and not then, unless with the unanimous vote of the President and Directors of said corporation.

§ 17. The said company may, with the concurrence of the owners of a majority of the shares of the capital stock, transact the insurance business upon the mutual principle, dividing the profits with insurers on such terms as may be prescribed by the by-laws of the company, and issuing scrip stock certificates for the proportion of profits divided to non-shareholders, which scrip stock shall be liable for losses before the capital stock of the company; and when scrip stock shall be issued to the amount of three hundred thousand dollars, the subsequent accumulation of profits represented by scrip stock shall be applied to the redemption of the amount in excess of three hundred thousand dollars, beginning with the certificates of oldest date outstanding *pro rata* of the sum to be thus applied, when there is a larger amount of scrip of one date than the sum applicable to its redemption.

§ 18. The form of certificates of stock and certificates of scrip stock, and the manner of transfer of the same shall be fixed by the by-laws of said company; and a lien is hereby created in favor of the corporation on the shares of stock or scrip stock of any holder thereof, for any claim of any kind whatever which the company may hold against the holder of such share of stock or scrip stock.

§ 19. This act shall take effect from and after its passage; but the General Assembly reserves the right to repeal, alter, or amend the same at pleasure.

Approved February 9, 1858.

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Banking prohibited.

May transact insurance upon mutual principle.

Form of certificate of stock to be fixed by by-laws.

CHAPTER 297.

AN ACT for the benefit of William T. Walker's heirs, of Hickman county.

Whereas, it is represented to the General Assembly that William T. Walker, deceased, in his life, paid to the Commonwealth, upon a treasury land warrant for 540 acres of land, in Oldham county, the sum of twenty-seven dollars, and that afterwards, by legal proceedings in the Trimble Circuit Court, against R. W. Walker and Susan Walker, (now Susan Moore,) heirs of said William

1858.

T. Walker, deceased, recovery was had against them upon superior title. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the treasury in favor of George W. Silver-tooth, attorney in fact for R. W. Walker and Susan Moore, for the sum of twenty-seven dollars, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. That this act shall take effect from its passage.

Approved February 9, 1858.

CHAPTER 298.

AN ACT to incorporate Madison Lodge, No. 14, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name
and style.

That R. J. Porre, J. W. Gilbert, M. D. Wainscott, Jas. R. Williams, Elias Kurtz, R. H. Johnson, and R. C. Chénault, and their associates, be and they are hereby created a body corporate, by the name and style of "Madison Lodge, No. 14, of the Independent Order of Odd Fellows;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States, or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, for the use of said Lodge, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Powers, &c.

Approved February 11, 1858.

CHAPTER 299.

1858.

AN ACT to establish the town of Jacksonport, in McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Jacksonport is hereby established.

Town established.

§ 2. That the boundaries of said town shall be as follows: beginning at a point on the Ohio river, in McCracken county, at the lower corner of J. N. Coffee's twenty acre tract of land; thence down said river four hundred feet; thence at right angles sixteen hundred feet; thence at right angles to the lower boundary line of the said twenty acre tract of land belonging to said Coffee; thence with said boundary line to the beginning.

Boundary.

§ 3. The supervision of the affairs of said town shall be entrusted to a board consisting of three persons, who shall be styled the Board of Trustees of the town of Jacksonport, and shall be elected as hereafter provided.

Trustees.

§ 4. That until such election of a Board of Trustees shall take place, as hereinafter provided, Samuel Caruthers, George Griffith, and Alexander Ratcliffe are hereby appointed Trustees of said town of Jacksonport, to act and hold their offices as Trustees until the first Monday in May, 1859, or until their successors are duly elected and qualified.

§ 5. No person shall be eligible as Trustee of said town who is not a qualified voter in this Commonwealth for the officers thereof.

§ 6. The said Board of Trustees shall be elected annually by a majority of the votes cast by the qualified voters of said town, upon the first Monday in May in each year, and shall hold their office until their successors are qualified.

When elected.

§ 7. No person shall be eligible to vote for officers of said town who is not eligible to vote for other officers of this Commonwealth.

Qualification of voters.

§ 8. Said Board of Trustees shall have no power to levy any tax upon the citizens of said town, or impose any fines or forfeitures, or receive any compensation for their services as Trustees.

Shall not levy tax, &c.

§ 9. The Board of Trustees shall have no power to condemn, for public or private use, any property within the limits of said town; but the real estate owners may, at any time, lay out and dedicate to public use such streets and alleys as may be necessary for the transaction of the business of said town.

§ 10. This act to take effect from its passage.

Approved February 11, 1858.

1858.

CHAPTER 300.

AN ACT to amend the charter of the Kentucky, Cumberland Gap, and Southern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of an act, entitled, "an act to incorporate the Kentucky, Cumberland Gap, and Southern Railroad Company," approved March 2, 1854, be so amended, that said railroad shall commence at Lexington, and may use either the road of the Lexington and Danville Railroad Company, or the road of the Lexington and Big Sandy Railroad Company, for such distance from Lexington as may be deemed advisable, as a part of the road to be constructed.

§ 2. That the second section of the said act be so amended that M. Cawood, C. J. Calloway, and Wickliffe Percival, of Harlan county; Wm. Dickinson, John Eve, and Parks D. Brittain, of Knox county; Wm. Rannella, Levi Jackson, and H. H. Scovel, of Laurel county; Judge Murphy, A. White, and T. T. Garrard, of Clay county; M. Buchanan, John L. Ballinger, and T. W. Napier, of Lincoln county; Gabriel Salter, James R. Woods, and George Merrett, of Garrard county; and Daniel Breck, Wm. C. Goodloe, and Wm. Harris, of Madison county; be added to the Commissioners named in said section, and shall have equal powers with said Commissioners.

Approved February 11, 1858.

CHAPTER 302.

AN ACT for the benefit of Sampson M. Johnson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sampson M. Johnson, of Logan county, be and is hereby authorized to sell a certain negro boy now owned by him, named Henry, aged about ten years, any law to the contrary notwithstanding.

Approved February 11, 1858.

CHAPTER 303.

AN ACT to repeal an act, entitled, an act to incorporate the town of Williamsburg, in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, an act to incorporate the town of Williamsburg, in Whitley county," approved March 3d, 1851, be and the same is hereby repealed.

Approved February 11, 1858.

CHAPTER 304.

1858.

AN ACT to amend the charter of the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Harrodsburg be so amended, that it shall be the duty of the persons holding elections, hereafter, for Trustees in said town, at the same time and place to open a column, in which each person entitled to vote for Trustees shall have the right to vote either in favor or against any houses, either tavern or store, being licensed to sell, by retail, ardent or spirituous liquors, in said town, or within one-half mile of the town limits, which vote, when so taken, shall be taken and certified and returned to the Clerk of the Mercer Circuit Court, and said Clerk shall file and safely keep the same, subject to the inspection of any person who may desire to see the same.

§ 2. That if, in said election there should be a majority of voters against granting the license aforesaid, then the County Court of Mercer shall not grant them during the year in which said vote is taken.

§ 3. That in each and every year, and at the same time and place when and where the Justices aforesaid are elected, a like vote shall be taken as directed by this act.

Approved February 11, 1858.

CHAPTER 305.

AN ACT incorporating Neatsville Lodge, No. 192, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Neatsville Lodge, No. 192, of Free and Accepted Masons, be and the same are created into a body politic and corporate, by the name of "Neatsville Lodge, No. 192, of Free and Accepted Masons," with perpetual succession; and by that name shall be capable of suing and being sued, of contracting and being contracted with, of pleading and being impleaded, of purchasing, holding, and selling all such real and personal estate as may be acquired for the use of the said Lodge, not exceeding the value of five thousand dollars; to make and receive all necessary conveyances thereof. When a majority of said Lodge shall concur in the sale of any such real property, and such concurrence shall be entered on the records of said Lodge, the Master and Wardens thereof, for the time being, shall have power to convey the same, on the part and in the name of the Lodge.

Corporate name and power.

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§ 2. That the Master and Wardens, from time to time elected, shall be trustees of said Lodge, and service of process on either of them shall operate a service on the said Lodge.

§ 3. The right is reserved to alter or amend this charter at the pleasure of the Legislature.

Approved February 11, 1858.

CHAPTER 306.

AN ACT to authorize the Marion County Court to execute deeds to Dabney Tucker and others, for lands sold by them.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Marion County Court be and it is hereby authorized and empowered, by its Commissioners, to be appointed by order in court, to make any deed or deeds to Dabney Tucker or other person to whom they may have heretofore sold a portion of the poor-house farm, or lands, according to the terms of their agreement with the purchaser; and the same, when examined and approved by said court, shall be ordered to be recorded, and shall be effectual to divest said County Court of all its right and title thereto, and to vest the same in the said purchaser.

Approved February 11, 1858.

CHAPTER 310.

AN ACT to amend the charter of the town of Falmouth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Presiding Judge of the Pendleton County Court, and any Justice of the Peace of the said county, residing in the town of Falmouth, and the Chairman of the Board of Trustees of said town, shall have power to impose fines for all breaches of the peace committed within the limits of the town, to the amount of ten dollars, without the intervention of a jury, and no jury shall be required in such cases. When any person shall be arrested for a breach of the peace in said town he shall be taken forthwith before one of the officers named herein, and tried for the offense, unless for good grounds stated under oath, he shall desire further time for preparation, which may be granted by the court, in which case he shall give bond for his appearance for trial at the time and place to be fixed by the court, and upon failure to give such bonds shall be committed to jail. The fine shall be

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paid as soon as imposed, or the prisoner shall be committed to jail there to remain until the same is discharged, at the rate of two dollars per day. If upon the trial the court shall be satisfied, from the evidence, that the prisoners should be held to bail to keep the peace and to be of good behavior, the court may require bond with good security, for any term not exceeding one year; and upon failure to give such bond the prisoner shall be committed to jail. All fines collected under this act shall be paid over to the appropriate town officer, who shall account for the same to the Board of Trustees, and the same shall be appropriated by them to the improvement of the streets of the town.

§ 2. That it shall be the duty of the Sheriff of said county, any Constable thereof, and of the Marshal of said town, when notified of any breach of the peace in said town, to proceed forthwith and arrest the offenders, and to summons such force as may be necessary to make the arrest. If such officers shall fail or refuse to discharge these duties without good excuse, or if any person summoned by the officer shall refuse to obey the summons, such officer or such person shall be fined not less than twenty nor more than fifty dollars, to be recovered by indictment of the Grand Jury in the Pendleton Circuit Court.

Approved February 11, 1858.

CHAPTER 311.

AN ACT providing for a State Road from Greenville, in Muhlenburg county, to Bowlinggreen, in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Taggart, of Muhlenburg county, Geo. W. Stokes, of Butler county, and Dillard Duncan, of Warren county, be and they are hereby appointed Commissioners to view and mark the best, nearest, and most practicable route for a State road from Greenville, in Muhlenburg county, through Butler county, to Bowlinggreen, in Warren county, who, or a majority of them, shall proceed to view and mark the route for said road, and give notice thereof to those over whose lands the proposed road will run: *Provided*, They reside thereon, or may be known to said viewers; and, if desired by said owners, that they estimate the damages he, she, or they will sustain by the establishment of said road; and shall report their proceedings to the County Courts of Muhlenburg, Butler, and Warren counties.

Commissioners
to select route
of road.

§ 2. That if any proprietor of lands, over which the road may be established, shall fail to require an assess-

Damages may
be assessed by
jury.

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ment of damages by the Commissioners, and shall apply to the County Court of the county in which the lands may lie, the said court shall make an order for the assessment of damages by a jury, who shall be governed by the provisions of the chapter of the Revised Statutes, concerning Roads, so far as applicable.

May proceed to lay off when County Courts agree to pay the damages.

§ 3. That if the County Courts of Muhlenburg, Butler, and Warren shall agree to pay the damages which may be assessed in their respective counties, they shall proceed to lay off said road into convenient sections, or precincts, within their respective counties, and appoint overseers and a sufficient number of hands to open and keep the road in repair, twenty-five feet in width.

Commissioners to take oath and their compensation.

§ 4. That said Commissioners shall, before they proceed to the duties assigned them by the provisions of this act, take an oath before some Justice of the Peace to perform faithfully and impartially the duties assigned them under this act; and said Commissioners shall each be entitled to one dollar and fifty cents per day while engaged in the duties aforesaid, to be paid by the respective counties in which they reside.

Approved February 11, 1858.

CHAPTER 314.

AN ACT empowering the Simpson County Court to levy a tax to aid in the erection of a new Court House.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of the county of Simpson be and is hereby empowered to levy a tax not exceeding ten cents on every hundred dollars of taxable property in said county, for the purpose of aiding in the erection of a new Court House in the town of Franklin, a majority of all the Justices of said court being present and concurring therein; and that the power of taxation shall only continue for two years.

Approved February 11, 1858.

CHAPTER 315.

AN ACT authorizing the County Courts of Meade and Breckinridge to change the State Road leading from Brandenburg to Hudsonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Courts of Meade and Breckinridge shall have power to change and alter the State road leading from Brandenburg, Meade county, to Hudsonville, Breckinridge county, and that James A. Click and Sam-

uel M. Mather, of Meade, and John Dent and Benjamin Hardin, of Breckinridge county, be and they are hereby appointed viewers for said road. This act to take effect from its passage.

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Approved February 11, 1858.

CHAPTER 317.

AN ACT to regulate the appointment of a toll-gate keeper and overseer on the Crab Orchard fork of the Wilderness road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the Court of Claims in Rockcastle county; in the year 1858, the overseer and toll-gate keeper on the Crab Orchard fork of the Wilderness road, in Rockcastle county, shall be appointed by the County Court at the Court of Claims of said county; and it shall require a majority of all the Justices in said county to make said appointments; and if there be a tie between the Justices the County Judge shall give the casting vote.

§ 2. There shall be two overseers appointed by the County Court, as aforesaid, who shall hold their offices for one year after their appointment, one shall be appointed on that part of said road leading from Mount Vernon towards Crab Orchard, and the other on that part of said road leading from Mount Vernon towards London, who shall be paid for their services as heretofore.

§ 3. Before the County Court shall have power to appoint the gate keeper, as provided in the first section of this act, they shall cause said gate to be advertised and offered for sale, as heretofore provided by existing laws; and if said gate be not sold the court shall then have power to hire a keeper of said gate, and shall designate the point where said gate shall be kept.

§ 4. That if there shall be a toll-gate keeper or overseers appointed on said road, before the Court of Claims of said county in 1858, they or either of them shall only hold their office until that time.

§ 5. All expenses for working and repairing said road shall be paid by order drawn on the gate keeper, and shall be paid in the order in which they are presented; and for all sums so paid the gate keeper shall have a credit on settlement with the County Court.

Approved February 11, 1858.

1858.

CHAPTER 319.

AN ACT for the benefit of A. S. Trimble, late Sheriff of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years be allowed A. S. Trimble, of Morgan county, to list and collect his unlisted fee bills, subject to all the laws now in force against issuing illegal fee bills. This act to take effect from its passage.

Approved February 11, 1858.

CHAPTER 320.

AN ACT to change the rates of toll upon the Madison fork of the Wilderness Turnpike Road, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the rates of toll upon the Madison fork of Wilderness Turnpike Road shall hereafter be as follows: wagon drawn by six horses, mules, or oxen, one dollar; wagon drawn by five horses, mules, or oxen, ninety cents; wagon drawn by four horses, mules, or oxen, eighty cents; wagon drawn by three horses, mules, or oxen, sixty-five cents; wagon drawn by two horses, mules, or oxen, fifty cents; wagon drawn by one horse, mule, or ox, thirty cents; coach, buggy, or carriage, four horses, one dollar; two or four horse mail coach, fifty cents; two or four horse buggy or carriage, seventy-five cents; one horse buggy or carriage, fifty cents; cart drawn by one horse, twenty-five cents; horse and rider, ten cents; horses, mules, jacks, &c., led or driven, four cents; for each head of cattle, three cents; for each hog, sheep, or goat, one cent; wagons loaded with salt from Goose creek, to pass free of toll, citizens of Laurel and Rockcastle counties, and all persons in Madison county southeast of the Big Hill, to pass through free of toll on horse back.

§ 2. The act which gave to the Moore or Raccoon road fifty dollars from the proceeds of the gate is hereby repealed.

§ 3. An act, entitled, an act to amend the law in relation to the Goose Creek Turnpike Road, passing through Clay and Laurel counties, approved February 24th, 1843, is hereby repealed.

§ 4. That until the management of the road is assumed by the Richmond and Big Hill Turnpike Road Company, the County Courts of Madison, Jackson, Laurel, and Rockcastle counties, at the May terms of their respective County Courts, shall each appoint one Commissioner for the management of said road. The persons appointed shall hold their offices for two years, unless superceded as before mentioned. The Commissioners may appoint

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two overseers to work the road from and at such points and places as they may designate. No overseer or gate keeper shall be appointed for a longer term than one year. The Commissioners and the overseers shall be allowed, by the County Court of Madison, such compensation as their services are reasonably worth. The Commissioners shall settle their account each year before the 1st Monday in May, with such person or persons as the County Court of Madison shall appoint for that purpose, but no person shall be appointed to make the settlement who is a citizen of Madison county. That section 25, title, Turnpike and Plank Roads, of Revised Statutes, shall apply to the toll-gate upon this road.

Approved February 11, 1858.

CHAPTER 321.

AN ACT to incorporate Highland Lodge, No. 311, of Free and Accepted Masons, in the town of West Liberty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Highland Lodge, No. 311, of Free and Accepted Masons, be and the same are created into a body politic and corporate, by the name of Highland Lodge, No. 311, of Free and Accepted Masons, with perpetual succession; and by that name shall be capable of suing and being sued, of contracting and being contracted with, of pleading and being impleaded, of purchasing, holding, and selling all such real and personal estate as may be required for the use of said Lodge, not exceeding the value of five thousand dollars; to make and receive all necessary conveyances thereof. When a majority of said Lodge shall concur in the sale of any such real property, and such conveyance shall be entered on the records of said Lodge, the Master and Wardens thereof, for the time being, shall have power to convey the same on the part and in the name of the Lodge.

§ 2. That the Master and Wardens, from time to time elected, shall be Trustees of said Lodge; and service of process on either of them shall operate a service on the said Lodge.

§ 3. The right is reserved to alter or amend this charter at the pleasure of the Legislature.

Approved February 11, 1858.

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CHAPTER 322.

AN ACT empowering the Trustees of the Columbia Quarterly Conference of the Methodist Episcopal Church, South, to convey real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Dory Nell, George Bird, Thomas J. Grissom, Franklin W. Grissom, Robert M. Breeding, Francis M. Breeding, George P. Breeding, (or any three of them,) to convey to the purchaser the legal title to the parsonage property belonging to the Quarterly Conference of the Methodist Episcopal Church, South, situated on the waters of Harrods fork of Crocus creek, in the county of Adair; and the deed of the Trustees of the aforesaid property, acknowledged as other deeds are acknowledged, shall operate a complete and perfect conveyance of all right, title, or interest that said Church has in said property, to the purchaser thereof.

§ 2. The deed herein provided for shall be made under the direction of the Conference aforesaid.

§ 3. This act to take effect from and after its passage.

Approved February 11, 1858.

CHAPTER 323.

AN ACT to incorporate the Newport Printing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert B. McCracken, M. J. King, John Q. A. Foster, George R. Fearons, Peter Constant, Daniel Wolff, and James R. Hallam, their associates and successors, are hereby created a body politic and corporate, by the name and style of the "Newport Printing Company;" and by that name may contract and be contracted with, sue and be sued, answer and be answered, and do and perform all such acts and things, not inconsistent with this act and the constitution and laws of this Commonwealth, as corporations usually do; and may have and use a corporate seal, and alter or renew the same at pleasure.

§ 2. The capital stock of the said corporation shall be three thousand dollars, which may be increased, by a vote of the stockholders, to any sum not exceeding ten thousand dollars, which shall be divided into shares of ten dollars; and in all elections by the stockholders each stockholder shall be entitled to one vote for each share of stock held by him.

§ 3. The persons named in the first section, or a majority of them, shall, after giving ten days notice in some newspaper having general circulation in the city of New-

port, open books for the subscriptions of stock, and may keep the same open until such time as the stock may be fully subscribed, or the company may be organized; and at their first meeting shall appoint from their own number one person to act as Treasurer until the company shall be fully organized; and all persons subscribing stock shall be required to pay ten per centum thereon to the Treasurer at the time of subscribing, otherwise his subscription shall not be received.

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Treasurer appointed.

§ 4. As soon as one hundred and fifty shares of the capital stock of the corporation shall be subscribed, the persons receiving the same shall give notice of not less than ten days in some newspaper having general circulation in the city of Newport of an election to be held by them, at some suitable place in said city, for the purpose of organizing the company; and at such election there shall be chosen, by the stockholders, five persons who shall be stockholders, to serve as Directors of the company for one year, and until their successors are elected; and annually thereafter an election shall be held for five Directors of said company.

When company to be organized.

§ 5. The Directors of the company elected by the stockholders shall, immediately after their election, organize by taking an oath of office, and shall appoint a Chairman, who shall be one of their own number, and a Secretary and Treasurer; and shall require of the two latter, covenants with good security, payable to the corporation, for the faithful performance of their duty and to secure the money and property of the corporation which may go into or pass through their hands, which may be put in suit for any breach thereof. The said Directors have power to make all needful rules and by-laws for the government of the corporation; and to carry out its objects; and shall have a general supervision and management of the affairs of the company; and shall at each annual election lay before the stockholders a report of the financial condition of the company. A majority of the Directors shall be a quorum, and the Directors may fill vacancies occurring in their own body; they shall appoint fit persons, who shall be stockholders, to hold the annual elections of the company; and may at any time, if the stock of the company be not taken, open books and receive subscriptions of stock. The office of the said company shall be kept in the city of Newport.

Officers to be appointed.

Powers of Directors.

§ 6. The Directors shall, by a resolution to be published for ten days in some newspaper having general circulation in the city of Newport, before it shall take effect, direct at what times and in what manner the balance of the stock subscribed, shall be paid; the company may sue for and recover the balance of any stock subscription not paid in accordance with said resolution, or the Directors may declare any such stock forfeited.

How balance of stock to be subscribed.

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Object of corporation.

§ 7. The object of the corporation hereby created is declared to be to establish and support a printing office in the city of Newport, for the purpose of printing and publishing a periodical newspaper, and doing such book and job printing and advertising, as the company may think proper, and no other business; and the company may take and hold such real and personal property in the city of Newport as may be necessary to carry on their business, and sell and dispose of the same at pleasure, and purchase other property in lien thereof.

§ 8. This act shall take effect from and after its passage. The General Assembly reserves the right to alter, amend, or repeal this charter at any time hereafter.

Approved February 11, 1858.

CHAPTER 334.

AN ACT to amend the charter of the Nicholasville and Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May construct branch road.

§ 1. That the Nicholasville and Kentucky River Turnpike Road Company be and it hereby is authorized and empowered, under the rules, regulations, restrictions, powers, and privileges conferred upon said company, under and by virtue of the act to which this is an amendment, to make and construct a branch turnpike road, to intersect said Nicholasville and Kentucky river Turnpike Road at a point in said road about one and three quarter miles from the town of Nicholasville, and pass through or near the town of Sulphur Well, to the Kentucky river, at such point opposite, or nearly opposite, the mouth of Paint Lick creek, as said company may elect and determine.

May re-open books.

§ 2. That for the purpose of raising such further sum as may be necessary for the construction of said branch road, the Commissioners heretofore appointed may re-open books for the subscription of stock, or may continue the same open in the town of Nicholasville, under and in accordance with the provisions of its charter; and may also open books for the subscription of additional stock, in the town of Sulphur Well, at such time and in such manner as the President and Directors of said company may determine. And in the construction of said branch of said turnpike road, and in the erection of gates thereon, and the charge and receipt of tolls, and all other matters pertaining thereto, said company shall be governed by the provisions of the original charter, and the acts therein referred to as a part thereof.

To be governed by the original charter.

§ 3. That any person or persons who may have subscribed or paid any sum or sums of money, heretofore, for the construction of said branch road, may, upon their application, have said subscriptions or payments transferred to the books of said company as stock subscriptions, which shall be recognized and treated, in all respects, as if originally subscribed upon the books of said company.

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Original subscribers may have subscription transferred to branch.

§ 4. All subscriptions of stock, made by persons residing nearer to the line of said branch road than to the other road, shall be expended in the construction of said branch, unless the subscriber shall otherwise elect; but any subscriber of stock may designate, in writing, on which road his subscription shall be expended, and the same shall be so expended.

Subscriptions to be expended as subscribers may elect.

§ 5. After payment of the debts and current expenses of said common stem, the surplus funds arising from tolls collected thereon from travel which comes in upon the branches, shall be divided into two parts, proportioned to the amount of travel coming thereon from each of the branches, (viz: the one located under the original charter and the one authorized by this amendment,) and an amount proportioned to the travel which comes in upon the said main or original branch shall be appropriated to the stockholders on the road located under the original charter, and the remainder to the stockholders who subscribe for the construction of the branch running by the town of Sulphur Well; but the stockholders on the main, or original, road shall be entitled to all the dividends arising from the tolls received from the travel which comes into the common stem, at any and all points between the junction of said two branches and the town of Nicholasville. And if there should hereafter be any gate or gates erected on either or both of said branch roads, the stockholders on each branch, respectively, shall be entitled to the dividends arising from tolls on the branch upon which their subscription was expended.

Surplus fund—how disposed of

§ 6. For the purpose of making the apportionments of dividends, as provided for in the foregoing section, the President and Directors of said company shall cause books to be regularly kept at each of the gates, in which all the matters necessary for making up the accounts between the parties shall be distinctly and separately presented.

§ 7. At the next annual election, and every annual election thereafter, a President and six Directors, instead of five, shall be elected. Three of said Directors shall be elected by stockholders on the original road, and the other three shall be elected by stockholders on the Sulphur Well branch road: *Provided, however,* That the President shall be elected from and by the stockholders on the original road: *Provided, further,* That said six Direc-

Number of Directors changed and when elected.

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tors shall act in concert only on the common stem, but on each branch the three Directors belonging thereto shall have the sole control of their respective branches: *And, provided, further,* That neither branch of said road shall be responsible for any debt or debts of the other branch.

Hands exempt
from working
roads.

§ 8. For each share of stock subscribed by any person to the original or Sulphur Well branch road, he or she shall have one hand exempt from working on any other road.

Approved February 11, 1858.

CHAPTER 327.

AN ACT to authorize the Marshall County Court to change the State Road from Aurora to Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Marshall County Court be and the same is hereby authorized to change that portion of the road leading from Aurora to Paducah, as follows: Commencing at the south-east corner of Wm. H. Derrington's land, and running thence, due west, along the south line of said Derrington's land, to the south-west corner of the same, and continue the same course until it again intersects said road: *Provided,* That the said court, in making such change, shall be governed by the general laws now in force in relation to roads: *And, provided further,* That before such change shall be made, the proposed road shall be opened out and put in good repair.

Approved February 11, 1858.

CHAPTER 328.

AN ACT for the benefit of S. C. Davis, Surveyor of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years from and after the passage of this act, be and the same is hereby allowed S. C. Davis, present Surveyor of Knox county, to list and have collected, by proper officers, his unpaid fees as Surveyor aforesaid, from the commencement of his official term in the year 1851 up to and embracing his present term of office: *Provided however,* That he be liable upon his official bond for any illegal act in so collecting said fees, according to the laws in force governing the collection of Surveyors' fees. This act shall be in force from the date of its passage.

Approved February 11, 1858.

CHAPTER 330.

1858.

AN ACT to incorporate a Lodge of Masons in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the members of Carrollton Lodge, No. 134, Ancient York Masons, and those hereafter admitted as members of said Lodge, be and hereby incorporated in the name and style of "Carrollton Lodge, No. 134, Ancient York Masons," and in that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, and shall have the power of acquiring by purchase, or otherwise, real and personal property for Masonic purposes, not exceeding in value ten thousand dollars; and to pass and adopt such by-laws for its government, as it may deem proper: *Provided*, The same be not inconsistent with the laws and constitution of the United States, or of this State. And it shall be lawful for said Lodge to hold the property and rights conveyed by F. Caswell to R. W. Masterson, W. H. Vaupelet, and H. Crittenden, by deed of record in the Clerk's office of the Carroll County Court, which deed conveys certain property in Carrollton in trust for said Lodge; and it shall be the duty of said Trustees to convey, by deed, said property to said Lodge, according to the provisions of said deed. The said Lodge may adopt a seal, and renew and break the same at pleasure.

Approved February 11, 1858.

CHAPTER 333.

AN ACT to repeal an act incorporating the Cypress Pond Draining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, "an act to incorporate the Cypress Pond Draining Company," approved February 13, 1856, be and the same is hereby repealed.

Approved February 11, 1858.

CHAPTER 334.

AN ACT to incorporate the town of Catlettsburg, in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Catlettsburg, in the county of Greenup, be and the same is hereby declared an incorporated town, whose boundary shall hereafter be as follows: Beginning at the mouth of Catlett's creek, running up

Boundary of
town.

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said creek to the upper corner of Dr. H. Hampton's plank fence; thence a straight line to a bunch of elms standing on a rock near the district school house, leaving out John Culver's farm, on which he now resides; thence running to the lower back corner of Jefferson Gilkerson's place; thence with said Gilkerson's line into Sandy river; thence down Sandy river to the Ohio river; thence down the Ohio river to the place of beginning.

Five Trustees to
be elected.

§ 2. That the fiscal, prudential, and municipal concerns of said town be vested in a Board of five Trustees, to be annually elected on the first Monday in May in each year, by the qualified voters of said town: *Provided however*, That no one shall be eligible to said office who has not resided in said town one year next before his election, and who is not, at the time of his election, a qualified voter, under existing laws, for the office of State Representative: *And, provided further*, That a majority of said board shall form a quorum to transact business; and the Trustees elect shall continue in office until their successors are elected and qualified.

Body corporate.

§ 3. That the said Trustees shall be a body corporate, invested with all general powers conferred by the laws of this Commonwealth on bodies corporate of like character; shall have a common seal, and may alter or break the same at pleasure; and shall be known by the name and style of "the Board of Trustees of Catlettsburg."

Chairman of
Board elected.

§ 4. That the said Trustees shall meet as early as practicable after their election, and shall elect one of their number Chairman of the Board, who shall preside over their meetings, and shall be known as "the Chairman of the Board of Trustees of the town of Catlettsburg."

Who may vote.

§ 5. All free white male citizens of said town, who shall be over twenty-one years of age, and entitled to vote for State Representative, shall be entitled to vote in the election of Trustees and other officers hereinafter named.

Term of office.

§ 6. The Trustees shall hold their office for one year after their election, or until their successors be qualified, and shall take an oath faithfully to discharge their duties as such, as well as the general oath of office prescribed in the constitution.

When Judge
and Marshal to
be elected.

§ 7. At the same time as herein provided for the election of Trustees, an election shall also be held for the offices of Police Judge and Marshal. The Police Judge shall be known by the style of "of the Police Judge of the town of Catlettsburg." He shall have the same qualifications as the Trustees are herein required to have; and he shall have, within the boundaries of the said town as established by this act, all the civil and criminal jurisdiction which, by existing laws, or by laws which may be passed by the present General Assembly, are conferred upon Justices of the Peace; and in addition thereto shall

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have all the jurisdiction in felonies and misdemeanors which, by the Code of Practice in Criminal Cases, is especially conferred upon Police Judges as such.

Powers of Police Judge.

§ 8. The Marshal shall see that the ordinances of the said town are carried into execution; and shall collect all taxes imposed by the Trustees; and shall give bond, annually, in the sum of one thousand dollars, with such surety as the Trustees may approve, conditioned faithfully to collect and pay over said taxes, and such fines or forfeitures as may come to his hands, and shall, moreover, take an oath to discharge his duties aforesaid. He shall, within the limits of the said town of Catlettsburg, as hereby established, have all the powers, in civil and criminal matters, which, by existing laws, or by laws which may be passed by the present General Assembly, are conferred upon the Constables of the State.

Marshal—his duties.

§ 9. The Trustees shall have power to appoint a Clerk, who shall keep, in a fair and legible hand, and in a book provided for that purpose, a full record of all of the proceedings of the Board of Trustees. Said Clerk may be removed at the pleasure of a majority of the board elected, and shall receive such compensation as may be deemed proper by said Trustees.

Clerk—his duties.

§ 10. All vacancies that may occur, after an election, in either the office of Trustee, Police Judge, or Marshal, may be filled by a majority of the board in office, and the person thus appointed shall remain in office until the succeeding annual election.

Vacancies—how filled.

§ 11. If the Chairman of the Board of Trustees be absent, the board may appoint one *pro tem*.

§ 12. All elections for officers under this act shall be conducted by the Clerk of the board, whose duty it shall be to give one week's written notice of each election, posted at three public places in said town. He shall, after each election, give to each officer a certificate of his election, who shall thereupon take the oaths prescribed by this act.

Clerk to conduct elections.

§ 13. The Board of Trustees shall meet at least once every two weeks, at such time and place as they may designate, and oftener if emergency require it; and any member failing to attend a meeting shall be liable to a fine not exceeding two dollars for each offense, to be recovered before Police Judge of said town, in the name of the Chairman of the Board of Trustees.

Board to meet every two weeks and may fine absent members.

§ 14. Said Trustees, for the use, benefit, and ornament of said town, shall have power to acquire real, personal, and mixed estate, either by purchase, donation, or otherwise, and shall have power to sell and convey the same, a majority of the board consenting thereto: *And provided*, That the votes for and against a proposition of a sale shall be specially entered on the records of the town.

May acquire property.

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Power of Trustees.

§ 15. That the Trustees shall have power to clear the streets, alleys, side-walks, and passways of said town of all obstructions; to erect and sink cisterns, wells, and pumps, and keep open all springs in said town. They shall, also, have power to preserve and protect, free from all incumbrance, the public property of said town; they shall have full power to remove and abate any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material; they shall, also, have power to cause any chimneys, flues, stove-pipes, or fire-places, that in their opinion threaten the security of property, to be changed and repaired, so as to remove the cause of danger; they shall, also, have power to cause the owner or owners or occupiers of property fronting on streets and alleys to keep the said streets and alleys in front of them free from filth; and in all cases enumerated in this section, when the persons who should do so, fail or refuse to obey and perform the directions given in relation thereto by said Trustees, the Trustees may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by those who shall not have complied with the directions of the board, and may be recovered in the name of the Board of Trustees, by a warrant before the Police Judge, if the sum claimed be fifty dollars or under; if over that sum, by suit in the Circuit Court.

Trustees may sue.

§ 16. The Trustees shall have power to sue and recover, for all injuries done to the property of said town.

Appeals, how regulated.

§ 17. The laws regulating appeals in civil and criminal cases, from the judgments of Police Judges and Justices of the Peace, shall apply to appeals in such cases from the judgments of the Police Judge of the town of Catlettsburg.

Grounds may be ornamented.

§ 18. That the said Trustees shall have power to cause the grounds belonging to the town to be ornamented, in such manner as they may deem expedient, with fencing, trees, and shrubs; and for any injuries done to said improvements, they shall have power to inflict a fine, not exceeding twenty-five dollars, to be recovered by a warrant before the Police Judge.

May have streets paved.

§ 19. That whenever a majority of the qualified voters in said town shall require a street to be paved or Macadamized, the Trustees shall have power to cause the same to be done.

Penalty for permitting slaves to hire time.

§ 20. That any person who shall suffer or permit a slave to hire his or her time in said town, for each offense shall be liable to a fine of not less than five nor more than twenty dollars, to be recovered by warrant before the Police Judge, in the name of the Commonwealth.

§ 21. The Trustees shall have power to control the public burial ground of said town; and for any injury done

to the same, or trespass thereon, may impose a fine not less than five nor more than twenty dollars, to be recovered by warrant before the Police Judge, in the name of the Board of Trustees.

§ 22. The Trustees shall have power, and it shall be their duty, annually, to appoint an Assessor, who, after being sworn faithfully to perform the duties of his office, shall call upon the taxable persons in said town, and make out a true list of their taxable property, with the value thereof; and this shall be made upon the oath of the tax payer, to be administered by the Assessor; and said list shall embrace all the real estate in said town, all the free white males over twenty-one years of age, with all other species of property, money, notes, and choses in action, exclusive of household furniture; and if any person shall refuse to give in said list, he or she shall be treble taxed on the value of their property, to be ascertained by the oaths of any two persons resident in said town, to be recovered with costs, by warrant before the Police Judge, in the name of the Board of Trustees, regardless of the amount claimed. The said Assessor shall return his list within one month after his appointment, and may be fined for failure so to do, upon a warrant before the Police Judge, in the name of the Board of Trustees, in a sum not less than five nor more than fifty dollars. Said Assessor shall be paid for his services such sum as said Trustees may order.

§ 23. The Marshal of said town, in the execution of the ordinances of the Trustees, and the judgments of the Police Judge, and the collection of taxes, shall have all the power of levy and distress now vested by law in the Sheriffs of the Commonwealth. Said Marshal shall be overseer of the streets, and shall be required to keep the same in order, under the same regulations now governing surveyors of the public highways; and whenever a *capias profine* issued by the Police Judge shall come to his hands, he may arrest and imprison the defendant or defendants in the county jail, until the same be satisfied.

§ 24. The Trustees shall have power to levy an *ad valorem* tax, not exceeding three hundred dollars, upon the taxable property in said town, exclusive of the poll tax; but beyond this amount no tax shall be levied until, at an election appointed for that purpose by the board, and held after three week's written notice posted in three public places in said town, a majority of the qualified voters of said town, who may vote, shall vote in favor of the levy. The poll tax shall not exceed one dollar and fifty cents for each tithe resident.

§ 25. The Trustees shall appoint a Treasurer, not a member of their Board, who shall give bond, in such penalty, with such security as the Trustees may approve.

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Trustees to have control of public burial ground

Assessor—his duties.

Powers of Marshal.

May levy *ad valorem* tax.

Treasurer—his duties.

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The Treasurer shall receive and receipt for all moneys paid and received, and keep a correct record of the fiscal concerns of said town; and shall pay out the same upon the warrants drawn by the Clerk, by the order of the Trustees of said town. He shall settle his accounts on or before the first day of December in each year; and shall take an oath faithfully to discharge his duties.

May tax shows.

§ 26. The Trustees shall have power to tax all theatrical performances, shows, and exhibitions, of whatsoever name or nature, in any sum not exceeding twenty dollars for each day any such show, theatrical exhibition, or public performance may exhibit in said town.

May make by-laws, &c.

§ 27. The said Trustees shall exercise and possess all the powers and privileges which are, by the general laws of this state, vested in and granted to Trustees of towns. They shall have full power and authority to make all necessary by-laws, ordinances, and regulations, to carry into full effect the powers granted by this act, and such others as are not contrary to the constitution and laws of this or of the United States, for the purpose of securing the quiet and good order of said town, and the comfort and health of the citizens thereof.

Record of proceedings may be taken as evidence.

§ 28. The record of the proceedings of the board shall be taken and received as record evidence in any court of this State, and a certified copy from the Clerk shall be sufficient for any purposes of evidence; for which copy the Clerk shall be allowed such fees as are now allowed to Clerks of the Circuit Court.

Fines not to exceed \$25.

§ 29. The Trustees shall not assess a larger fine than twenty-five dollars for the infraction of any ordinances or by-law passed by them, to promote the health, convenience, and good order of said town, which may be recovered, in the name of the Board of Trustees, before the Police Judge or any Justice of the Peace, whose district may include the said town or any part thereof. Such fines, when collected, and all other fines, which may be recovered, in the name of the Commonwealth or otherwise, before the Police Judge, or Justice of the Peace, for any offense committed within the limits of said town, shall be paid over to the Treasurer of the board, for the use and benefit of the town.

Further powers of Marshal.

§ 30. The Marshal shall have full power to carry the ordinances and by-laws of the board into effect; all warrants or executions issued by the Police Judge or a Justice of the Peace for an infraction of any of the by-laws or ordinances of said Board; or for a violation of any of the laws of the land, shall be directed to the Marshal of said town, or any Constable of Greenup county, whose duty it shall be to execute same. In the collection of taxes, executions, and demands that may come to his hands, the Marshal shall be subject to the same rules and regula-

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tions required by law of Sheriffs in the collection of taxes, and Constables in the collection of executions and demands; and for a failure to perform any duty required of him, he shall be subject to the same proceedings which may be had against Sheriffs and Constables in similar cases. He shall be entitled to the same fees for collecting taxes that Sheriffs are, and the same fees that Constables are entitled to upon executions and other services and such other compensation as the Trustees may deem proper.

§ 31. The process in any civil case pending before said Police Judge may be directed by him to the Marshal, or to any Constable of Greenup county.

§ 32. B. Burke, Wm. Hampton, Morris Wellman, J. D. Kincaid, and G. W. Andrews are hereby appointed Trustees of the said town of Catlettsburg, who shall, immediately after this act goes into effect, take upon themselves the discharge of the duties imposed by this act upon the Trustees of said town. They shall remain in office until the first election under this act, which shall be on the first Monday in May, 1858.

§ 33. Any Justice of the Peace of Greenup county may issue any civil or criminal process directed to the said Marshal, whose duty it shall be to execute the same: *Provided*, That said Marshal shall not be compelled to go outside of the limits of said town to execute process in civil cases.

Justice may issue process to Marshal.

§ 34. That the legal title to all the streets and alleys in said town, and to all the real, personal, or mixed estate which now does, or may hereafter belong to said town, shall be and is hereby vested in said Board of Trustees, and their successors in office; and they shall have full power to pass all necessary ordinances to protect the same, or for the punishment of any injury or destruction of the same, or for any detention of the same: *Provided however*, That this act shall not be so construed as to affect, in any manner, any right, legal or equitable, which may now belong to any persons, and which they have not parted with or been divested of by deeds of conveyance or otherwise.

Title of property vested in Trustees.

§ 35. This act shall take effect on the 1st day of March, 1858.

Approved February 11, 1858.

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CHAPTER 335.

AN ACT to amend an act entitled, an act to incorporate the Ashland Female Seminary, and change the name thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled, "an act to incorporate the Ashland Female Seminary," be so amended as to read: "That the object of the corporation hereby created is to promote male and female education;" and that the fifth section of said act be so amended as to read, "male or female," instead of "female," wherever the same occurs in said section.

§ 2. That the name of said seminary be and the same is hereby changed to that of "the Ashland male and female Seminary."

§ 3. That the 6th section of the act incorporating said seminary be so amended as to authorize the first election of Trustees for said seminary to be held at any time after the passage of this act; and elections of Trustees for said institution are to be held on the first Monday in each year thereafter.

§ 4. This act shall take effect from and after its passage.

Approved February 11, 1858.

CHAPTER 336.

AN ACT to amend an act entitled, an act to incorporate the town of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate limits changed.

§ 1. That the corporate limits of the town of Ashland be so changed as follows: Commencing at the intersection of Lawrence Avenue and the lower side of Second street; thence running south with the lower line of Second street far enough to take in the residence of D. K. Weis, by running a line at right angles until it strikes the upper line of Broadway, when extended; thence north with the upper line of Broadway to Lawrence Avenue; thence with original lines mentioned in the charter.

First election may be held within 3 years from April, 1856.

§ 2. That the 3d section of said act be so amended as to authorize the election first to be held, as provided for by said section, at any time within three years from and after the 1st day of April, 1856, notice of said election being first given in some public newspaper printed in the town of Ashland at least three weeks before the holding of the same.

Road tax may be expended in improving the streets.

§ 3. That the road tax which the citizens of Ashland have now to pay, under the existing laws regulating the roads in Greenup county, shall be appropriated and ex-

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pended in improving the streets and roads within the corporate limits of said town, and the Collector of said tax shall pay over the same to the Trustees of said town, who shall faithfully expend said tax as provided for herein; and said Trustees shall report, annually, to the Greenup County Court, at its Court of Claims, the amount of tax raised, the amount paid out as provided for herein, and to whom, which report shall be first sworn to by said Trustees.

§ 4. If at the end of any year there shall be a balance of the money unexpended, as provided for herein, the same shall be paid over to the Trustees of the Ashland Common School District, to be held and expended by said last named Trustees in the erection, completion, and furnishing of a suitable school house for common school purposes in said district.

Surplus to be paid to Trustees of common schools.

§ 5. Nothing in this act shall prevent any tax payer, residing in Ashland, from working out the amount of his tax upon the streets of said town in the same manner as he is now authorized by law to do on any portion of the roads in his district.

Approved February 11, 1858.

CHAPTER 339.

AN ACT to amend and reduce into one, the several acts in relation to the town of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the following boundary is hereby declared to be the limits of the town of Hopkinsville, to-wit: Beginning at the southern abutment of the bridge on the Madisonville road; thence south 68 degrees, east 172 poles, to a stake in D. S. Hay's field; thence south 22 degrees, west 240 poles, to a stake in F. C. Sharp's field; thence north 68 degrees, west 236 poles, to a stake in W. T. Smith's lot; thence north 22 degrees, east about 80 poles, to the river; thence up the same, with the several meanders thereof, to the beginning.

Boundary of town.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in seven Trustees, four of whom shall form a quorum to transact business, and all of whom shall have resided in said town one year next preceeding their election, and be housekeepers therein.

Trustees.

§ 3. That said Trustees, and their successors, shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Hopkinsville;" and by that name shall be capable, in law, of contracting and being contracted with, of suing and

Corporate power.

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being sued, of pleading and being impleaded, of answering and being answered, and of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters, and things which a body politic and corporate, having perpetual succession, can lawfully and rightfully do and perform.

When Trustees
elected, and who
may vote.

§ 4. Said Trustees shall be elected annually on the first Saturday in August, by the free white male inhabitants of said town over the age of twenty-one years, who shall have been *bona fide* residents in said town for one year next preceeding the election, and who shall have paid their poll tax for the preceeding year, and all arrearages and taxes by them due said town, which payment, upon being questioned, must be satisfactorily shown. The said Trustees shall hold their office for one year, and until their successors shall have been elected and qualified. They shall take an oath before some Justice of the Peace, that they will faithfully, and without affection to any one, discharge the duties that may devolve upon them as Trustees during their continuance in office; and shall have power to fill any vacancy that may occur in their own body. It shall be their duty to appoint one of their own body Chairman, who shall preside at all their meetings; and in case of the absence of the Chairman they shall appoint a Chairman *pro tempore*, and in case of his death, removal from the town, or vacation of his seat as Trustee, may appoint another in his stead. The election for Trustees shall be conducted by one or more of the acting Trustees or other citizens, to be appointed by the board for that purpose, and shall be held at the court house in the town of Hopkinsville, unless otherwise designated by the board; and the Clerk of the Board of Trustees for said town shall preserve the poll books of the same among the records of his office. Should any Trustee be absent from the meetings of the board for three months the board may, by the unanimous vote of all the remaining Trustees, by a resolution to that effect entered on their records, declare his seat vacated, and may then fill the vacancy caused by his removal as in other cases.

Term of office.

To appoint
Chairman.

Who to conduct
election.

May make by-
laws, &c.

§ 5. That the Trustees may, from time to time, fix and regulate by their by-laws, the times and places of the regular meetings of the board, and also prescribe the mode in which special meeting of the board may be had, and may inflict a penalty, not exceeding one dollar, on any member for non-attendance at any one meeting, to be applied for stationery, lights, and fuel for said board.

May take and
hold real estate.

§ 6. That the said Board of Trustees, and their successors, shall have power and authority to take, receive, and hold real, mixed, and personal estate, by purchase, devise, bequest, or donation, for the use, benefit, or ornament of

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said town, and may use, appropriate, lease, or sell the real or personal or mixed estate which may be so taken and received by them, or which is now held by or has been conveyed to the present Board of Trustees of the town of Hopkinsville, in such manner and upon such terms, as they may deem expedient: *Provided, however,* that no sale or lease shall be made of any real estate unless the same is sanctioned at the same meeting by the vote of six Trustees, and which vote shall appear recorded in full upon their records, giving the individual names of those who voted for and those who voted against it.

§ 7. That the legal title to all the streets and alleys in said town, and to all the real, personal, or mixed estate which now does or may hereafter belong to said town, shall be and is hereby vested in said Board of Trustees, and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to the same, and may, in like manner, maintain and carry into judgment and execution any other appropriate action or actions for the recovery of their property, or damages for the detention, taking, injury, or destruction of the same, and that the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals: *Provided, however,* that in all cases thus instituted, in which the Trustees do not sue for a specific penalty, the jury shall not be limited in their verdict by the amount of any specific penalty annexed to the offense for which the suit was brought, but shall be governed by the same discretion which regulates their verdicts in suits between private individuals: *And, provided also,* That in all such cases when the damages are laid at a sum not exceeding fifty dollars, the Police Judge or any Justice of the Peace shall have concurrent jurisdiction, subject to an appeal as in other cases.

Title to streets, &c., vested in Trustees, and may sue for injury to same.

§ 8. That the Board of Trustees shall have power and authority to clear the streets, alleys, side-walks, and pass-ways in said town of all obstructions, to erect and sink cisterns, wells, and pumps, and keep open all springs in said town, and declare them free by verdict of a jury, to be empannelled before the Police Judge for that purpose. They shall also have the power and authority to preserve and protect, free from incumbrance, all the public grounds and improvements in said town. They shall have full power and authority to remove, and cause to be removed and abated, any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material that may injure the health, or tend to diminish the comfort, of the citizens or the security of their property; they shall also have the power and

Powers of Trustees.

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authority to cause any chimneys, flues, stove-pipes, or fire-places, that in their judgment may threaten the security of property, to be changed and repaired, so as to remove the cause or danger of insecurity; they shall also have power and authority to cause the owners and occupiers of property fronting on streets and alleys to keep the streets and alleys in front of them clear and free from dirt or filth; and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey or perform the directions given in relation thereto by the Board of Trustees, the said Trustees may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by those who should have complied with the directions of the board in relation thereto, and may be recovered by the Board of Trustees, by a warrant for the same before the Police Judge or any Justice of the Peace, or by a suit in the Christian Circuit Court.

May have public grounds ornamented.

§ 9. That the said Trustees may cause the said town and the grounds belonging to the town to be ornamented in such manner as they may deem expedient, with fencing, trees, and shrubs, and the necessary protection of said trees and shrubs; and that if any person or persons shall willfully injure said trees, and fencing, and shrubs, or any one or part thereof, or the boxing or protection of the same, each person, so offending, shall, for every such offense, be subject to a fine of not less than ten nor more than fifty dollars, to be recovered by the said Trustees in their name, and for their benefit, by warrant before the Police Judge or any Justice of the Peace.

May have streets paved.

§ 10. That the Board of Trustees of the town of Hopkinsville may, from time to time, direct and require the owners of lots or parts of lots in said town, when the same fronts on a street or alley, to cause the same to be paved with side-walks in front of their respective lots or fractions of lots, of such width and such materials, and in such manner and at such elevation, as the said board may deem expedient, and also to repair the same in such mode and manner as they direct, and also to grade and pave or McAdamize, one half of the street or alley in front of the whole line or lines of their said lots or fraction of lots, in such mode and manner as the said board may direct. If the owner or owners of said lot or lots, or fraction of lot or lots, shall fail or refuse to have the same repaired, paved, graded, McAdamized, or finished with side-walks, within the time and in the manner prescribed by said Trustees, it shall be lawful for the said Trustees to have the same done at their own costs and charges, and the costs and charges thus expended and incurred by said Trustees, shall be taken and be a tax upon said lots and fractions of lots, and the owners thereof, respective-

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ly, in proportion to the amount which the costs of the whole improvement made under said order bears to the length in front of said lots, or fractions of lots, respectively. Notice of such order or direction for repairing, grading, McAdamizing, or finishing with sidewalks shall be given by publication in some newspaper of the town for one month, by successive weekly publications, and a copy of said order or direction, accompanied by the affidavit of the printer that the same has been published agreeably to the provisions of this act, may be recorded in the Clerk's office of the County Court of Christian, and shall be *prima facie* evidence that said direction was given and publication made, as prescribed by this act, and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect as other attested copies now authorized by law.

§ 11. That the said Trustees shall have the control and care of the market house, and shall annually appoint a Market-master, who shall give bond and security, to be approved by the board. He shall rent the stalls, and license persons to sell meats and all other articles under the direction of the board; and the bonds, notes, and accounts taken by him therefor shall be made payable to the board, and be collected by the Marshal before and by judgment of the Police Judge or any Justice of the Peace. The said Trustees shall have full power and authority to pass all by-laws and rules and regulations for the government of the market not contrary to the constitution and law of the land, and may inflict fines and penalties to enforce the same, in any sum not exceeding ten dollars for each offense, recoverable before the Police Judge or any Justice of the Peace.

Market master,
his duties.

May pass by-
laws governing
market.

§ 12. That if the hirer, owner, or any person having the legal control and custody of any slave, shall suffer or permit said slave to hire his or her own time, or go at large, or act for himself or herself, in said town, the Police Judge shall, at the instance of said Trustees, or the Marshal, issue his warrant against the owner or hirer or person who has the legal control of said slave, to show cause why judgment shall not be rendered against him or her for such offense, which warrant may be executed by the Marshal or his deputy, or by any Constable; and upon the return of the same a jury shall be empanelled before said Police Judge, and if the jury shall ascertain that the defendant to said warrant suffered and permitted said slave to hire his or her own time, to go at large, and act for himself or herself, in said town, the said Police Judge shall, thereupon, enter judgment that said owner or hirer, or such person having the legal control of such slave, be fined any sum not exceeding fifty dollars, at the discretion

Penalty for per-
mitting slave to
hire his time.

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of the jury, to be paid to said Trustees: *Provided, also,* That when the owner of any slave, thus going at large or hiring his or her own time, is unknown or resident out of this Commonwealth, the Police Judge shall, on the application of said Trustees, order said slave to be hired out by the Marshal from month to month, for the benefit of said town, until the owner can be ascertained.

May purchase
burying ground

May erect school
houses.

May establish
fire companies.

May establish
watch-house, &c.

Persons confin-
ed for breaches
of peace, &c.,
may be sent to
work-house.

May appoint
officers and pre-
scribe their du-
ties.

May require
bond.

§ 13. That the said Trustees shall be authorized to purchase and hold any quantity of ground, of not more than twenty-five acres, to be within two miles of the limits of Hopkinsville, for a burying ground, and make all needful and necessary regulations for the use and protection of the same. They shall have full power to purchase grounds and erect the necessary buildings for a free school or schools in said town, and make all necessary regulations in relation to said school, and the government and carrying on the same. They may also establish fire companies in said town, and confirm and appoint the officers selected by said companies, and procure the necessary engines and implements to be used in case of fire, and require all the inhabitants of said town to keep such a number of fire buckets as they may think necessary, and make such regulations as they may think necessary in relation to said companies. They shall have power and authority to establish a watch-house and a work-house, and appoint watchmen and other officers to superintend such houses, and to apprehend all offenders and disorderly persons and take them before the proper tribunal, to be dealt with according to law. All persons who may be confined by order or judgment of the Police Judge or Justice of the Peace of said town, for breaches of the peace, riots, routs, affrays, unlawful assemblies, or any other offenses against the ordinances or by-laws of said town, or the general laws in relation to the same, and all common mendicants and vagrants, may, by order of said Justice or Police Judge, if he think proper to make such order, be confined in said work-house, at hard labor, and shall be discharged when the terms of their confinement have been complied with, or the time thereof has expired.

§ 14. That the Board of Trustees of the town of Hopkinsville shall have the power to appoint, annually, a Clerk, Assessor, Treasurer, Market-master, Surveyor, and such other officers for said town as may be necessary to carry into effect the laws, by-laws, rules, and regulations made for the general welfare of said town and the citizens thereof, and prescribe the respective duties, and affix and pay the respective salaries of said officers. They shall require covenant from all officers appointed by them to fill responsible offices, in adequate penalties, with sufficient securities for the faithful discharge of the duties of

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their respective offices, and the prompt payment of all sums of money that may come to their hands; and they and their securities shall be liable to a judgment, in the Christian Circuit Court, in favor of the Board of Trustees of the town of Hopkinsville, or any person entitled to money collected by them, in like manner, and subject to the same penalties, that Sheriff or Sheriffs and their securities are. They shall have full power and authority, at any time, to remove any of said officers or their deputies, and appoint others in their stead; and when any vacancy occurs by the death, removal, or resignation of the chairman of the board, or of any of the officers or their deputies, they shall, in like manner, have full power and authority to appoint others in their stead.

May remove officers and fill vacancies.

§ 15. That all covenants executed by the persons appointed as officers by the Trustees shall be made payable to the Board of Trustees of the town of Hopkinsville; and that said covenants may contain any stipulations that the said Trustees may think proper to require or receive; and that said covenants, when executed, shall operate as a mortgage and lien upon all the real and personal estate of the officers and their securities, respectively, until all the conditions of said covenants are respectively complied with; and that for a breach or violation of the condition or conditions of any such covenants, the said Trustees may sue and recover, and have the appropriate judgment and execution, by action in the Christian Circuit Court, or any other court having jurisdiction, against the parties to said covenants, respectively, and may also proceed in chancery in said court, when chancery proceedings may be necessary, against said officers and their securities.

Covenants.

§ 16. That the Trustees shall appoint from among the citizens of said town an Assessor, who shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof, whose duty shall be to call upon all the taxable persons in said town, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the Assessor. The Assessor's list shall be taken so as to include all the real estate in said town, and all the free males over twenty-one years of age, except those now exempt by law, and all slaves over sixteen years of age, and all slaves with their value, with all other species of personal property, including all articles of property now subject to taxation for revenue purposes, except spectacles, watches, and pianos. If any person or persons shall refuse to give in a list of his or her property, or be absent, the Assessor shall make out a list from the best information he can procure; and when there is any real estate in said

Assessor—his duties.

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town the owner or owners whereof may be unknown, it shall be duty of the Assessor to report that fact specially on his list, together with the value of the property. He shall, on or before the 20th day of April of the present year, and on or before the first day of March in every year hereafter, annually, complete and return the list so taken, to the Board of Trustees; upon the return of the list by the Assessor, the Trustees shall give notice that any person or persons who may feel themselves aggrieved by the valuation of the Assessor may appear before them, at a stated meeting to be held for such purpose, on or before the fifteenth day of May of the present year, and on or before the first day of April in each succeeding year, with their evidence, to show the true valuation of such property; and the Trustees, on such proof being made to them, may change such valuation.

May levy tax
annually.

§ 17. That the said Board of Trustees may, annually, lay and levy the taxes for the current year, and direct the time within which the same shall be paid, at the first meeting of the board after the Assessor returns his list, or if anything should prevent the levy and tax from being then made and levied, the same may be done at the next meeting of the board.

Clerk to file
Assessor's list.

§ 18. That after the first day in June of the present year, and after the first day in May in each succeeding year, the Clerk of the Board of Trustees shall receive, file, and preserve the Assessor's list, with any corrections that may have been made therein by the Board of Trustees; and the said list, thus received, or copies thereof, attested by said Clerk, shall be received in evidence in any court of justice, and shall be *prima facie* evidence that the Assessor has complied with all the duties prescribed to him by law; and shall also be *prima facie* evidence that all the laws in relation to the fixing and adjustment of the taxes have been regularly complied with by the Board of Trustees and its officers.

Treasurer to
give bond, &c.

§ 19. That the Treasurer appointed by the Board of Trustees shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute covenant with good security, to the satisfaction of the Trustees, which covenant shall be conditioned to pay over all moneys which may come to his hands as Treasurer, to the Trustees or their order, and to perform all the duties imposed on him by law as Treasurer, and may contain such other stipulations as the board may think proper to require. The Treasurer shall receive and receipt for all moneys paid or received; he shall receive and receipt for all moneys paid to the Board of Trustees; he shall keep a fair record of all the fiscal concerns of the board, and record, in order, the appropriations of said board as certified to him by the Clerk, and pay the same according to

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their order; he shall pay no moneys without receiving a copy of the resolution of the Board of Trustees making such appropriation; and he shall file all received by him for settlement by resolution of the board; his book shall at times be open to the inspection of persons having claims upon the board, upon reasonable notice; he shall, on or before the tenth day of July of the present year, and on or before the tenth day of July in each succeeding year, report to the Board of Trustees a true list of all the moneys received by him, with a list of all the moneys and dues that remain unpaid at that time; he shall be allowed such compensation for his services as the Board of Trustees may direct, not exceeding three per cent. on all moneys received and paid out by him under the order of the board; he shall also, when required by any order of the board to that effect, attend and report to the same the condition of the treasury, and shall at all times be ready for a settlement.

§ 20. That the Clerk appointed by the said Trustees shall take an oath faithfully and impartially to discharge the duties of his office, and shall execute covenant, with such conditions and with such security as shall be required by the board; it shall be his duty to preserve the books, papers, records and every thing belonging to his office, and deliver the same to his successor in office; he shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof; he shall file and preserve the poll-books, annually, and shall record all the acts, resolutions, and orders of the board; he shall take all covenants, agreements, and records, and preserve all contracts and agreements made between the Board of Trustees and other persons; he shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the board; he shall file and preserve, annually, the Assessor's books; he shall make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the Treasurer on or before the first day of April, annually, and he shall file and preserve the report of the Treasurer; and he shall make out and place in the hands of the Marshal or Collector, on or before said first day of April, annually, a list of the persons and property by whom or on which taxes and dues to the town remain unpaid, and the amount of the same, respectively; he shall have full power to administer oaths in all cases when oaths may be necessary; his compensation shall be fixed and allowed by the board.

Clerk—his duties, &c.

§ 21. That the Marshal of the town of Hopkinsville, before he enters upon the duties of his office, shall take an oath faithfully to discharge his duties, and shall exe-

Marshal—his duties, &c.

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cute a covenant, with approved security, faithfully to discharge the duties of his office, and may contain any other conditions the board may think proper to require. He shall have full power, within the county of Christian, to serve all process and precepts to him directed from the Police Judge or any Justice of the Peace, and make due return thereof; to collect the taxes, dues, and demands of said town in the manner provided in this act; and shall levy and perfect executions upon all orders and judgments of the Police Judge or Justice of the Peace; serve and execute all orders and notices issued or made by the board, and make due return on the same; he shall be entitled to the same fees and per cent. for collecting the tax of said town, penalties, and forfeitures, as Sheriffs and Constables are in like cases where it is not otherwise provided for by this act or by order of the board: *Provided*, Said Board of Trustees may, in their discretion, appoint a Collector for the town of Hopkinsville, and require him to execute covenant with approved security, with such conditions as they may require; and it shall be the duty of said Collector, when appointed, to collect the taxes for said town, and may coerce the payment of same in the same manner as required of the Marshal, and do all other acts which the Marshal is authorized to do in the collection of the town revenue; and shall be entitled to the same compensation. The Marshal shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for a riot, rout, affray, or breach of the peace, and for all warrants, where fines are to be assessed by a jury, before the Police Judge or any Justice of the Peace, and to a fee of twenty-five cents for all other warrants for penalties, forfeitures, and debts, to be tried by the Police Judge or Justice of the Peace without a jury, and to a fee of twelve and a half cents for summoning a witness, and to the same fees from the State, to be paid out of the Treasury and county levy, for serving felony warrants and warrants against slaves for misdemeanors, as Constables are for like services. He is allowed to take replevin bonds on all executions in which a replevy is allowed by law, and make the same payable in three months to the plaintiff in the execution; he shall be subject to the same proceedings, and liable to the same penalties, as Sheriffs and Constables are in like cases for the non-performance of any of the duties enjoined in this act. And should a vacancy occur in the office of Marshal, the same may be filled, until the next regular election, by appointment of the Board of Trustees. Should the Marshal fail or refuse to carry into execution any order made by the Trustees, for such failure or refusal said Trustees may fine him not exceeding ten dollars, which they may retain out of his salary.

Collector may
be appointed—
his duties.

Fees of Marshal

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Taxes unpaid—
proceedings, &c.

§ 22. That if, on the first day of August, there may be due and unpaid any tax or taxes upon any lot or fractions of a lot in said town, which tax or taxes may be imposed by virtue of this act, it shall be the duty of the Board of Trustees of the town of Hopkinsville to cause to be published, in a newspaper of the town, for the time being, a list of all the lots and fractions of lots on which the tax or taxes may be unpaid, and also the amount due and unpaid upon each lot and fraction of lot respectively for one month, by successive weekly publications, and they shall also state, in a note appended to said list, the day or days in which said lots or fractions of lots, or so much of each lot or fraction of a lot, will be sold, as may be necessary to discharge and pay off the tax or taxes due thereon, respectively; and a copy of said list, as published, accompanied by the affidavit of the printer that the same has been published agreeably to the provisions of this act, shall be recorded in the Clerk's office of the Christian County Court, and when so recorded shall be *prima facie* evidence that said publication was made as prescribed by this act, and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect of other attested copies as now authorized by law. If the tax or taxes thus due and advertised upon the lots or fractions, of lots are not paid on or before the time thus appointed for the sale, it shall be the duty of the Marshal or Collector to expose to sale, on the day or days so appointed, the said lots or fractions of lots, or so much thereof as may be necessary to pay the tax or taxes due on them, respectively, to the highest bidder. The sale shall take place at the court house door in Hopkinsville; and in case of a sale it shall be the duty of the Marshal or Collector to convey the same to the highest bidder, and his deed, thus made, shall pass the title of the lot or fraction of lot as purchased to the purchaser: *Provided however*, That any taxes that may be due and owing, by reason of any improvements made by said Board of Trustees under the 10th section of this act, the collection of the same may be enforced at any time after said improvements shall have been made: *And, provided further*, That all real estate sold for taxes in said town may be redeemed at any time within two years, by the original owner or owners, and their assignees, by paying the purchaser or his heirs or assignees his purchase money with interest at the rates of fifty per cent. annually in the sum paid by him, and all costs and charges incurred by virtue of such sale: *And, provided also*, That infants, and *femes covert*, and persons of unsound mind, shall have two years after their several disabilities are removed to redeem their grounds.

Property sold
for taxes may
be redeemed.

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and imprison for contempts: *Provided*, The fine does not exceed ten dollars, nor the imprisonment twelve hours. It shall be lawful for him to take depositions and certify the same, when they are to be read as evidence in any cause pending in any court in this Commonwealth. He shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of Justices of the Peace. All trials before the Police Judge shall be held and had in the town of Hopkinsville.

Right of appeal.

§ 25. That upon all judgments rendered by the said Police Judge either party shall have the right to appeal from said judgments, in the same manner that appeals are taken from judgments of Justices of the Peace in similar cases.

Process—how issued.

§ 26. That the Police Judge shall issue his process in the name of the Commonwealth, as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as Police Judge of Hopkinsville. The same shall be directed to the Marshal or to any Constable or Sheriff of Christian county, and shall be executed or returned by the Marshal, Constable, or Sheriff, as the case may be, under the same penalties as other process from Justices of the Peace: *Provided however*, That when any prosecution is instituted and carried on at the instance of the Board of Trustees, the warrant shall state that it issued at their instance, in which case they shall be entitled to the fine or penalty recovered, and in case the defendant or defendants are acquitted the said Trustees shall be liable for such costs as may be adjudged in favor the defendant or defendants. The Police Judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, or breach of the peace or unlawful assembly, or affray, or any misdemeanor, or for a breach of any of the laws in relation to the town of Hopkinsville, or of any by-laws or ordinances of the Board of Trustees; he shall be entitled to a fee of twelve and a half cents for recording judgment; twelve and a half cents for an order of sale; twelve and a half cents for a subpoena; and twelve and a half cents for a certificate; and in all other cases his fees shall be the same as those of a Justice of the Peace for like services.

Fees of Police Judge.

Powers of Trustees.

§ 27. That said Trustees shall exercise and possess all the powers and privileges which, by the general laws of the land, in relation to towns, are granted to Trustees, and shall have full power and authority to make all necessary by-laws and regulations for the purpose of carrying into effect the powers granted by this act, and also such as may be necessary for the comfort, cleanliness, good order, and security of said town, and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name before the Police Judge or

any Justice of the Peace: *Provided*, The same are not contrary to the constitution or laws of the land. And upon issuing of a warrant by the Police Judge or Justice of the Peace, as the case may be, against any person or persons charged by the said Trustees, or their legally authorized officer, with a violation of the by-laws of said town, it shall be the duty of the Police Judge or Justice of the Peace, as the case may be, if so requested by the said Trustees or officer making the charge, to endorse on said warrant that the officer serving the same shall demand of the person or persons so charged to enter into bond with good security, in a sum not exceeding twice the amount of the penalty attached to the offense charged in the warrant, to be fixed by the court issuing the same, conditioned for his, her or their appearance before the Judge or Justice as the case may be, to whom said warrant may be made returnable, at the time and place fixed upon in said return, and for his, her, or their abiding by, performing, and complying with the order or judgment of the court thereon; and upon failure so to do said bond shall be declared forfeited, and the amount thereof to be collected by execution or *capias profine*, to be issued by the court thereon; and if the person or persons so charged in any warrant, as aforesaid, requiring bail, shall fail or refuse to execute bond, as aforesaid, it shall be the duty of the officer serving the same to retain such person or persons in custody until discharged by the court, as aforesaid; and upon the rendition of any judgment for a violation of the by-laws of said town the court rendering the same shall issue, instantler, if required by the Trustees or their legally authorized officer, an execution against the estate of the person or persons so found guilty, for the amount of the fine adjudged, and costs, or a *capias profine* for the same, against the body or bodies of the said person or persons, and the officer serving the same shall cause like proceedings to be had thereon as if the same had been issued by authority of the Circuit Court.

§ 28. The Board of Trustees of the town of Hopkinstown shall have power and authority, by an order entered upon their books, to require all persons in said town who may have license to sell liquor in any quantities to appear before the Clerk of the board and take an oath that they will not sell or give any spirituous liquors to any free negro or slave, unless said slave is at the time in the legal custody of said person, or has a written order from the owner or person having the custody of same, specifying the quantity to be sold or given, and that they will not permit the same to be sold or given if in their power to prevent it, so long as they continue to retail liquor by virtue of a license; also, require all clerks and salesmen in the employ of persons having license, as aforesaid, to

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May require
bond of person
arrested.

Capias.

May require
persons having
license to sell
liquor to take
oath not to sell
to slaves, &c.

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take a similar oath. The Clerk shall note the time and persons to whom administered on his book. Any one failing to comply with the order of the board, as aforesaid, or who permits their clerks and employees to remain in their service without having taken the oath prescribed in this section, after having three days notice of the order, shall be fined not less than one nor exceeding five dollars per day for every day they shall so fail or refuse, to be recovered by warrant before the Police Judge or a Justice of the Peace of the town of Hopkinsville.

May fine persons
for trespassing
upon property
of town.

§ 29. Said Trustees shall have power and authority, by their by-laws, to impose a fine not exceeding one hundred dollars upon any persons trespassing or injuring the grounds or improvements of the cemetery near the town of Hopkinsville, or any church edifice, or any public buildings or grounds within the limits of said town—said fine to be recovered before the Police Judge of said town, or any court having jurisdiction.

Present Trust-
ees to continue
in office until
successors are
elected.

§ 30. That the present Trustees and officers of the town shall continue in office until the Trustees are elected and qualified under the present act, and are hereby invested with all the powers, rights, and privileges which the Trustees and officers to be elected under this act will possess. No suit shall be instituted against the said Trustees unless the same is instituted in the county of Christian; and service of process on the chairman of the board shall be sufficient.

Repealing
clause.

§ 31. Each and every act or section of an act, coming within the purview of this act, is hereby repealed. This act shall be in force from the passage thereof.

Approved February 11, 1858.

CHAPTER 340.

AN ACT concerning the Clerk of Hardin County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Clerk of the Hardin County Court to procure a new well bound book, and copy therein the 1st volume of the general cross-index of deeds recorded in said office.

§ 2. That the Clerk shall be paid out of the public treasury the cost of the book, on the same being allowed by the Judge of the County Court, and shall be paid out of the county levy of said county for copying the index, at the same rate that he is allowed for recording wills, inventories, &c.

§ 3. This act shall take effect from the 1st day of August next.

Approved February 11, 1858.

LAWS OF KENTUCKY.

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CHAPTER 341.

1858.

AN ACT to amend the charter of the town of Versailles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the first Monday in August next, and on the first Monday in August biennially thereafter, an election shall be held at the court house in the town of Versailles, for the choice of a Marshal for said town, who shall have the same qualifications, and hold his office for the same term as Sheriffs; and at said elections all persons now qualified by law to vote for the Chairman and Board of Trustees of said town shall be entitled to vote for Marshal.

Marshal to be elected.

§ 2. Before said Marshal shall enter upon the discharge of the duties of his office, he shall take an oath of office, and before the Chairman and Board of Trustees of said town enter into bond, such as is hereinafter, required, with one or more good securities, to be approved by said board; and should he fail to take such oath, and give such bond within thirty days from the time of his election, or from the time he received notice of his election, the office shall be considered vacant, and he shall not be re-eligible there-to for two years.

To take oath and give bond.

§ 3. The Judges and other officers of the elections held on the first Monday in August, of any year, under the laws of this State, shall be the Judges of the election herein provided for; but should the election provided for by this act at any time occur when there will be no election held under the laws of this State, then the Chairman and Board of Trustees of said town shall, at least ten days before the election, appoint two Judges, one Sheriff, and one Clerk, to hold said election; and the officers, so appointed, shall be governed by the laws of this State with regard to general elections, and subject to all the liabilities and penalties now imposed by law; and the fees of said officers of said election shall be the same as now allowed by law to officers of elections, to be paid by the Chairman and Board of Trustees of said town of Versailles, out of any money in the treasury of said town.

Who to conduct elections.

§ 4. That in the appointment of the officers of the election, by the Chairman and Board of Trustees of said town, as provided for in the third section of this act, said Chairman and board shall have a due regard to the political opinions of such officers, selecting an equal number from each of the political parties.

Officers of election to be selected from different political parties

§ 5. The laws now in force in relation to the office of the Marshal of the town of Versailles, not inconsistent with this act, shall remain in full force.

Laws in relation to Marshal still in force.

§ 6. That the officers of the election shall, within three days after the election provided for in the first section of this act, meet together at the office of the Clerk of Wood-

Officers to make out certificates of election.

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ford County Court, and examine and compare the poll books, and make out two certificates, to be signed by them, one of which shall, by the Sheriff, be handed to the successful candidate, the other to the Chairman of the Board of Trustees, who shall have the same spread upon the records of said board.

Bond made payable to State of Kentucky.

§ 7. That the bond provided for in the second section of this act shall be made payable to the Commonwealth of Kentucky, contain all the covenants and stipulations of bonds now required by law of constables, and in addition it shall contain further covenants and stipulations to discharge faithfully all the duties imposed upon him by the act incorporating said town of Versailles, and the acts amendatory thereto, and by the by-laws and ordinances of said town, and to pay to the Chairman and Board of Trustees, of said town, and all others, all such costs and damages as they may sustain by reason of his neglect or failure to perform such duties.

Board to appoint temporary Marshal.

§ 8. A vacancy in the office of Marshal shall be filled by the appointment of the Chairman and Board of Trustees of said town temporarily, until the next succeeding August or May election, whichever shall transpire first, and until the successor then chosen shall qualify. Ten days notice posted up in three or more public places in said town, of the election shall be given by said Trustees.

Approved February 11, 1858.

CHAPTER 343.

AN ACT to amend the charter of the Versailles and Harrodsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a holder of stock in the Versailles and Harrodsburg turnpike road company shall hereafter, for each and every share of stock in said road held by him, and paid in, have one hand exempt from working on any road.

§ 2. That this act take effect from and after its passage.

Approved February 11, 1858.

CHAPTER 345.

AN ACT to incorporate the Bridgeport Female Institute.

Whereas, sundry citizens of the town of Bridgeport, Kentucky, and of the vicinity thereof, desirous of establishing a first class Female Institute, have for that purpose

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united in the purchase of an eligible site in said town, and made all necessary improvements and arrangements for carrying into successful operation the purpose aforesaid. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Mayhall, Jos. Terry, Benjamin Exum, S. R. Hieronymus, and Andrew Neat, Trustees heretofore chosen, shall be and they are constituted a body politic and corporate, by the name and style of the "Bridgeport Female Institute."

Body corporate.

§ 2. That the Trustees aforesaid, and their successors in office, shall have perpetual existence, by the name and style aforesaid; shall have the power to use a corporate seal, and change and alter the same at pleasure; shall have power to receive and hold, for the benefit of said Institution, any lands, tenements, hereditaments, moneys, goods, chattels, or choses in action, by gift, donation, devise, contract, or purchase, heretofore or hereafter to be had or made, not exceeding fifty thousand dollars in value; to ratify any contract heretofore made by the Trustees; to make any contracts or agreements; to sue and be sued in their corporate name; to plead and be impleaded in any court of law or equity in this State, and to do and perform all such acts as any similar Institution is permitted to do or perform: *Provided*, They be not contrary to the laws of this State or of the United States.

Corporate powers.

§ 3. That the Trustees incorporated by this act shall, at their first meeting after its passage, or as soon thereafter as may by them be deemed practicable, choose from their body a President, to be known as and styled the "President of the Board of Trustees;" also, a Treasurer and Secretary, each of which officers shall be elected at the time hereinafter named, and to hold their offices for one year, or longer, at the discretion of the Board of Trustees. Should a vacancy at any time occur, in any of the offices aforesaid, from any cause whatever, the President of the board may call a meeting thereof, for the purpose of filling such vacancy, unless a vacancy should occur in the Board of Trustees; then, and in that event, the vacancy shall be supplied by the vote of the stockholders—the vote given by each to be in proportion to the amount of stock held by such voter.

To appoint officers.

Vacancies—how filled.

§ 4. The Trustees mentioned in the first section of this act, as also the Treasurer and Secretary by them appointed, shall hold their offices until the first Saturday in July next, at which time, and annually thereafter, the stockholders shall, as provided in the third section of this act, proceed to fill such vacancies as shall have occurred in the Board of Trustees by the expiration of their terms of office, by re-electing the same, or others in their stead,

Term of office.

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President may
call meetings.

and shall have power at any time, by a vote representing at least one half of the stock, to exclude from office such Trustee or other officer as may in their judgment have been guilty of malfeasance or misfeasance in office. The President of the board shall have power, at any time, to call a meeting thereof, as also of the stockholders, and in the transaction of any business a majority of the board, including the President, or of the stockholders, as the case may be, must be present, to ratify and confirm such action as may be had; yet in no event shall the power be vested in the Board of Trustees to incur, at any one time, a debt exceeding one hundred dollars, nor in any one year exceeding in the aggregate three hundred dollars, unless it be sanctioned, at the time, by a majority of the stockholders, or rather those representing a majority thereof.

Faculty to be
chosen.

§ 5. There shall be a faculty of said Institution, to be chosen by the Trustees, composed of a President and such Professors and Teachers as may be deemed necessary and expedient. The faculty shall have the oversight, care, government, and instruction of the students, and with the advice and concurrence of the Board of Trustees may confer degrees and give diplomas, which shall be as valid as those conferred by any other Institution, College, or University of this or any State.

Duty of the
Treasurer.

§ 6. It shall be the duty of the Treasurer to keep a faithful record of the moneys, &c., which may come into his hands, and of such as may be paid out by him, but in no event shall any be paid out unless by order of the Board of Trustees. At the regular annual meetings he shall make a correct and intelligible exhibit of the financial condition of the corporation. It shall be the duty of the Secretary to keep, in a well-bound book the proceedings of the meetings of the board, as well as of the stockholders, and to do and perform all such acts are incident to his office.

Duty of Secre-
tary.May make by-
laws, &c.

§ 7. That said Trustees, or their successors in office, shall have power and authority to make all such by-laws, rules, and regulations for the government of said school, and the management of all its concerns, as they may deem expedient, and to alter, annul, and amend the same at pleasure: *Provided however*, That such by-laws, rules, and regulations be not repugnant to the laws of this State or of the United States, nor inconsistent with any of the provisions of this charter.

§ 8. The Legislature reserves the right to alter, amend, or abolish this charter. This act to take effect from its passage.

Approved February 11, 1858.

CHAPTER 346.

1858.

AN ACT for the benefit of Wm. Smith, Clerk of the Grant Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Smith, Clerk of the Grant Circuit Court, be and he is hereby allowed the further time of two years, from and after the passage of this act, within which to list for collection his fee bills, and to distrain for the same, any law to the contrary notwithstanding: *Provided, however,* The said William Smith shall, in all respects, be subject to the laws now in force in regard to the issuing and collecting illegal fee bills.

§ 2. That said Smith shall, before he is entitled to the benefit of the provisions of this act, in the office of the Clerk of the Grant County Court, enter into bond with good security or securities, to be approved by the Clerk of said court, conditioned to pay all such costs and damages as any person may sustain by reason of any violation of the laws now in force in regard to the issuing or collecting of fee bills.

§ 3. This act shall take effect from and after its passage.

Approved February 11, 1858.

CHAPTER 347.

AN ACT for the benefit of Sligo Division, No. 18, of the Sons of Temperance in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Trustees of Division, No. 18, of the Sons of Temperance, in the town of Sligo, in Henry county, are authorized by this act to sell the lot of ground on which their temperance hall stood, and the proceeds of the same to be appropriated by them to the payment of any debts against said division. This act to take effect from its passage.

Approved February 11, 1858.

CHAPTER 349.

AN ACT to incorporate the Russellville and Logan County Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Barnett, John P. Tully, David King, E. O. Hawkins, M. Crum, Jas. W. Ryon, B. K. Tully, and T. M. Mont, be and they, or a majority of them, are hereby appointed Commissioners to receive subscriptions of

Commissioners
to receive stock.

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stock, at such places and upon such terms as they may deem fit and proper, to the capital stock of the company hereby incorporated.

When meeting
may be called,
and Directors
elected.

§ 2. That as soon as fifty shares are subscribed said Commissioners, or a majority of them, are authorized to call a meeting of the stockholders for the election of a President, Vice President, and five Directors, and such other officers as may be necessary; and that in the election of officers, and in all other elections, such stockholders shall be entitled to one vote for every share of stock subscribed; and a majority of such votes shall control all elections.

Capital stock.

§ 3. That the capital stock of said company shall not be less than five, nor more than ten thousand dollars, in shares of one hundred dollars each; and as soon as fifty shares are subscribed then such stockholders, and such as may thereafter become stockholders, are hereby incorporated by the name of the "Russellville and Logan County Agricultural and Mechanical Association," with perpetual succession; and by that name shall have power to sue and be sued, to contract and be contracted with, to have and use a common seal; to make such a constitution, by-laws, and regulations, not inconsistent with the constitution and laws of this commonwealth, as may be necessary to carry out the objects of this incorporation.

Corporate name
and powers.

May hold real
estate.

§ 4. That the company hereby incorporated may own any quantity of real estate, in or near the town of Russellville, not exceeding twenty acres; may erect such buildings and improvements thereon as may be necessary and suitable for a stock Agricultural or Mechanical fair, and such other purposes as may be desired; and power is hereby given to said company to hold such fairs and award premiums, or they may allow the use of their grounds and improvements to such other associations or persons, for that or other purposes, as they may deem right and proper, and upon such terms as may be agreed upon by the contracting parties.

§ 5. That no person shall take nor hold more than five shares of the capital stock of this association.

§ 6. That the annual profits of said association, after the payment of the necessary expenses, shall be divided among the stockholders thereof, according to the amount of stock subscribed and paid in by each one.

Approved February 11, 1858.

CHAPTER 352.

1858.

AN ACT to legalize an order of the Russell County Court made 8th June, 1835.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an order of the Russell County Court, directing the sale of two small lots or pieces of public ground in Jamestown, made on the 8th day of June, 1835, and the sale thereof made by Commissioners appointed by said court to Bryan Y. Owsley and Allen Jones, be and the same is hereby legalized. That the Trustees of said town of Jamestown then in office, or their successors, if any, are hereby empowered to convey said lots or pieces of ground to the said Bryan Y. Owsley and Allen Jones, or their heirs, wherever they pay the purchase money for said lots or pieces of ground.

Approved February 11, 1858.

CHAPTER 353.

AN ACT to incorporate the Millersburg, Indian Creek Meeting House, and Cynthiana Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed, for the purpose of making a turnpike road, on the McAdam's plan, from the town of Millersburg to Cynthiana, *via* Indian creek Meeting House, under the name and style of the Millersburg, Indian Creek Meeting House, and Cynthiana Turnpike Road Company;" and by that name and style shall be a body politic and corporate.

Name and style.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of one hundred dollars each. Subscriptions for stock in said company shall be opened in Millersburg and at said Meeting House, on or before the first Monday in April next, or in a reasonable time thereafter, and continue open, from time to time, under the direction of the Commissioners hereinafter named.

§ 3. That the following persons are hereby appointed Commissioners to perform the duties required by this act: at Millersburg, Jno. C. Miller, Zed M. Layson, and Ben. F. Collins; at said Meeting House, Aaron Endicott, Montgomery W. Rankin, and Jno. C. Wilson; and that they procure books, and the subscribers of stock shall subscribe in said books an obligation to the following effect, viz: "We whose names are hereunto subscribed, do respectively promise to pay to the Millersburg, Indian Creek Meeting House, and Cynthiana Turnpike Road Company, the sum of one hundred dollars for each share of stock

Commissioners' names.

Obligation.

1858.

Meeting to be
called.

set opposite to our names, in such proportion, and at such times as shall be determined by said corporation."

§ 4. When fifty shares are subscribed, said Commissioners, or a majority of them, shall notify the stockholders, at one or more public places along the road, and in Millersburg, and at said Meeting House, for three weeks in succession, of the fact, and call a meeting of the stockholders at such time and place as they may designate in such notice, for the purpose of choosing officers, and in the election of officers each shareholder shall be entitled to one vote for each share, and may vote in person or by proxy in writing.

Width of road,
&c.

§ 5. The width of said road shall not be more than fifty feet, and the part covered with metal not less than fifteen feet wide, and the grade not over four degrees.

Officers, &c.

§ 6. The officers of said company shall consist of a President, four Directors, and a Treasurer; and the President and Directors shall keep a record of their proceedings in a well bound book, which, at all times, shall be accessible to each and every one of the stockholders.

County Court
may take stock.

§ 7. The Bourbon County Court may subscribe stock in said company, (a majority of its Justices being present and concurring,) by an order directing its Clerk to make such subscription, and when made shall be obligatory on said County Court; and to enable said court to pay such subscription, when made, it is hereby empowered to levy a tax upon the lands and other estate of the citizens of said county, subject to State revenue, not to exceed six cents on the one hundred dollars worth of property in any one year; and said tax, when levied, shall be collected by the Sheriff or Collector of said county, and by him paid over to the County Treasurer on or before the first day of January next succeeding the year in which the same is levied and to be paid; and the County Treasurer shall pay the same at such time and places, and in such manner and amounts, as shall be required of him by the President and Directors of said company.

Powers, &c.
When company
is organized.

§ 8. So soon as said company is organized the President and Directors shall possess all the powers, authority, rights, and privileges, and may do all acts and things necessary for carrying on and completing said road, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, (if any,) and be entitled to like tolls and profits as are given and granted to the Maysville and Lexington Turnpike Road Company; and all the acts approved January 22nd, 1827, incorporating the Maysville and Lexington Turnpike Road Company, are hereby enacted as part hereof, except so far as provided by this act, and as may come in collision with the provisions of the same, and except, also, so much of the provisions of the 14th section thereof as requires no-

tice to the Governor, when five miles of said road shall be completed, and a license from him to erect gates, &c., (the President and Directors being authorized to perform that duty,) and also excepting the whole of the 27th, 28th, and 29th sections of said act.

1858.

§ 9. The President and Directors of said company shall locate the same on the most practicable route, and they shall fix the elevation of the grade, as above provided.

§ 10. The President and Directors, as soon as — miles is completed, may erect a toll-gate thereon, at which they may collect tolls such as are contemplated by the 8th section of this act.

When may erect gate.

§ 11. That the stock subscribed by the Bourbon County Court shall be expended in making the road lying and being in the county of Bourbon only; and the dividends arising from the stock so subscribed shall, when so collected, be appropriated to lessening the county levy.

Where stock shall be expended.

§ 12. That all persons who shall subscribe stock in said road, and have had to work upon said road, are hereby exempt from working on any other road: *Provided*, Said road is located so that the present road does not have to be kept open.

Stockholders exempt from working on road

§ 13. That all persons who subscribe stock in said road shall be exempt from toll going to or from church, elections, mills, or funeral processions, or any member of their families.

§ 14. The Sheriff or Collector, for collecting and paying over the road tax to be assessed by the court under this act, shall be allowed the usual commission on the amount so collected and paid over, and for failing to collect and pay over shall be liable to all the penalties which he would incur for a like failure in the discharge of his duties as collector of the State revenue: *Provided*, That in no event, or by any construction, is the State to be held responsible for any aid in the construction of said road.

Approved February 12, 1858.

CHAPTER 354.

AN ACT to incorporate the St. Marys Turnpike Road Company, in Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed, under the name of the "St. Marys Turnpike Road Company," for the purpose of constructing an artificial road from the town of Itaywick, by the way of St. Mary's College, to intersect the Lebanon, Springfield, and New Market turnpike road, between David Shuck's and Edward Kirk's.

Name and style.

1858.

Capital stock.

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each, and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act then the President and Directors may increase it to such amount as they may deem necessary, and open subscriptions therefor in such way as they may deem best.

Books to be opened.

§ 3. That books for the subscription of stock in said company shall be open on the day of 1858, or as soon thereafter as may be convenient, at the town of Raywick and at St. Mary's College, or at either place, under the direction of some two or more of the Commissioners herein named, to-wit: Samuel T. Ray, Daniel Everhart, Daniel E. Ray, W. M. Spalding, Jas. T. Mudd, David Bullock, John Hagan, Logan Kirk, E. A. Graves, Charles Bivin, and David Graves, whose duty it shall be to procure a book or books, and the subscribers to the stock of said company shall enter into an obligation in said book or books, to pay to the President, Directors, and company for said road the sum of fifty dollars for each and every share of stock set opposite to their names, severally, and in such amounts in proportion to the work done as the said President, and Directors may, from time to time, direct: *And, provided further,* That any person subscribing may specify in writing, at the time, what portion or all of his stock subscribed shall be paid in work on said road, at such time and in such manner as may be prescribed by the President and Directors of the company, and at such valuation as may be estimated by the engineer or superintendent for said company, &c.

Commissioners.

Obligation.

Charter of Danville and Hustonville road made part of this.

§ 4. That all the sections of an act incorporating the Danville and Hustonville turnpike road company, approved March 1st, 1844, beginning at section 4 to the 35 section inclusive, are hereby incorporated and made a part of this act, as far as applicable. And all the sections of an act incorporating the Lebanon and Maxville turnpike road company, approved March 19, 1856, that are not altered nor changed by this act, or any provision in it, are hereby incorporated and made a part of this charter, with all the privileges, powers, rights, and immunities therein contained, so far as applicable, and as fully as if written and incorporated in this act.

Approved February 12, 1858.

LAWS OF KENTUCKY.

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CHAPTER 355.

1858.

AN ACT to authorize the Marshall County Court to change the State road from Hopkinsville to Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Marshall County Court be and the same is hereby authorized to change that portion of the road from Hopkinsville to Paducah—the Benton branch—which runs through John English's land, in said county, and which materially damages said English's farm: *Provided*, the said Court, in making such change as said English may suggest, be governed by the general laws now in force in relation to roads: *And, provided further*, That before such change shall be made the proposed road shall be opened out and put in good repair. This act shall take effect from its passage.

Approved February 12, 1858.

CHAPTER 356.

AN ACT for the benefit of the Mt. Pleasant Presbyterian Church, of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas G. Urmsted and James Gray be and they are hereby empowered to sell and convey five acres of land, that was deeded to said church by Patterson and McMillin, and apply the proceeds to the payment for a tract of land which the Trustees of said church have purchased near the Broadwell cross-roads, for the purpose of removing and rebuilding their old church.

§ 2. This act to take effect from its passage.

Approved February 12, 1858.

CHAPTER 357.

AN ACT for the benefit of John Troutman, of Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John Troutman, of Nelson county, and owning lands on both sides of the Beech fork of the Rolling Fork of Salt river, be and he is hereby authorized to erect a fish dam and pot upon the said Beech fork, at such place as he may deem fit, where his lands lie on both sides of the stream: *Provided*, That the County Court of Nelson shall have power, upon any person or persons giving him ten days notice, to require the same to be removed at the expense of said Troutman, if it shall be found to injure the navigation of the stream, and an obstruction to the passage of fish up said river or stream.

Approved February 12, 1858.

LAWS OF KENTUCKY.

1858.

CHAPTER 358.

AN ACT for the benefit of Julian Nail, of Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Fulton county shall allow Julian Nail, Jailer of said county, the sum of sixty-one dollars, for keeping G. Asberry, who was committed to the jail of Fulton county as a runaway slave, but who proved that he was a free man of color—said claim to be paid out of the county levy, and to be allowed at the next court of claims for said county.

Approved February 12, 1858.

CHAPTER 359.

AN ACT to allow James C. Jones, of Rockcastle county, to solemnize the rites of Matrimony.

Whereas, it is represented to the present General Assembly that there is a large boundary of country around where James C. Jones lives, in Rockcastle county, in which there is no person authorized to solemnize the rites of matrimony, on account of which the people suffer great inconvenience. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James C. Jones, of Rockcastle county, be and he is hereby authorized to solemnize the rites of matrimony, to have the same effect as if solemnized by ministers of the gospel, and shall be governed by the same rules that govern ministers of the gospel in relation to returns, &c.

Approved February 12, 1858.

CHAPTER 360.

AN ACT to incorporate the Columbia and the Russell Springs Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That a company shall be formed, under the name and style of the Columbia and Russell Springs Turnpike Road Company, for the purpose of making an artificial road from Columbia, Adair county, to the Russell Springs, in Russell county.

Capital stock.

§ 2. That the capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each; and if it shall be found that said capital stock is not sufficient to complete said road, (including bridges,) then the President and Directors may increase the same, and open books for its subscriptions.

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Books to be
opened, &c.

§ 3. That books for the subscription of said stock shall be opened on the first Monday of April, or so soon thereafter as may be deemed advisable, at Columbia under the direction of Timoleon Cravens, Junius Caldwell, Milton P. Wheat, Benjamin Coffey, Sidney Dunbar, and Charles F. Epperson; and at the Russell Springs under the direction of William S. Patterson, Wm. F. Patterson, Daniel B. Barger, Albert G. Coffey, Wm. M. Green, George Bryan, and William Jones, or some two or more of them, at each place, who are hereby appointed Commissioners. The said Commissioners for each place shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation, to-wit: "We, whose names are hereunto subscribed, promise to pay the President, Directors, and Company of the Columbia and Russell Springs Turnpike Road Company, the sum of fifty dollars for each share of stock in said company and agreeably to an act of the General Assembly of Kentucky incorporating said company. Witness our hands this day of , 18 ." The Commissioners, or a majority of those acting, shall give notice, in writing, in each county, of the time and place of opening the books for subscription of stock in said company, and that they will continue them open until the amount of capital stock is subscribed, or a sufficient amount for the completion of said road.

Obligation.

§ 4. That as soon as five thousand dollars shall be subscribed, the said Commissioner, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders and hold an election for a President and six Directors, who shall hold their office for one year, and until others are elected and duly qualified. That said President and Directors, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace that they will faithfully perform the duties of President and Directors, (as the case may be,) without favor or affection, according to the best of their judgment. That upon the qualification of the President and Directors they shall appoint a Treasurer and Secretary, and such other officers as they may deem necessary, who shall hold their office for one year, and until others are appointed. The Treasurer of said company shall, before he enters upon the duties of his office, give bond with two or more good securities, in such penalty as the President and Directors may direct, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the President and Directors, and that he will perform the duties required of him by the company.

Meeting to be
called.

Treasurer, &c.

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When President
and Directors to
let out work.

§ 5. That the President and Directors of said road may let out any part of said road whenever five thousand dollars of the capital stock shall be taken, and the remainder when they think a sufficient amount of stock is taken to complete the road; that they may let out any portion of said road to be made of gravel, stone, or plank, as they deem proper; that they may let out any portion of said road to be paid for in the stock of the company: *Provided*, it does not exceed the engineer's estimate.

Corporations
may take stock.

§ 6. That all towns, counties, corporations, and companies may and they are hereby authorized to take stock in said turnpike road company, under such regulations as the President and Directors may order and direct.

Charter of the
Danville & Hustonville
road
made part of
this.

§ 7. That the provisions, from the fifth to the thirty-fifth section inclusive, of the Danville and Hustonville charter, approved March 1st, 1844, be and the same are hereby made part of this charter so far as they do not conflict with the provisions of this charter.

§ 2. This act to take effect from and after its passage.

Approved February 12, 1858.

CHAPTER 361.

AN ACT to repeal an act, entitled, an act to prohibit fishing in the North fork of Licking river, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act approved the 7th day of March, 1856, to prevent fishing in the North fork of Licking river, in the county of Bracken, be and the same is hereby repealed, so far as it relates to the county of Bracken.

Approved February 12, 1858.

CHAPTER 362.

AN ACT for the benefit of the Christian Church of Irvine, Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sale made by the building committee of the Christian Church in Irvine, Estill county, Kentucky, of a lot of ground bought by them for the purpose of building a meeting house, and the title of said lot is vested in Ansil Daniel and his heirs forever.

Approved February 12, 1858.

CHAPTER 363.

1858.

AN ACT to incorporate the Methodist E. Church South in the city of Henderson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John Rudy, C. T. Sandefur, James Shaw, James Beatty, and W. G. Redman, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the "Trustees of the Methodist Episcopal Church South of the town of Henderson," and by that name to have perpetual succession, with all powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, contracting and being contracted with, so far as may be necessary to protect the rights, titles, property, privileges, possessions, and immunities of said church, which now or hereafter may belong to the same; that whenever vacancies may occur in the office of the Trustees by death removal, resignation, or otherwise, it shall be lawful for them to be filled pursuant to the discipline and rules of said church. The right is hereby reserved to the Legislature to alter, amend, or repeal this act at pleasure.

Approved February 12, 1858.

CHAPTER 364.

AN ACT prescribing the means and mode of opening and working roads in the county of Boone.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Boone County Court, at its March term, 1859, to lay off and allot the roads in said county into forty road districts, in such manner that each and every district shall contain, as near as may be, an equal portion of labor in each district; and said court shall, at the same or subsequent term, appoint a superintendent or overseer in each district, who shall hold his appointment for one year, and until his successor shall be appointed. And it shall be his duty, with the means placed in his hands for the benefit of roads, to superintend and control the working and opening of all the roads in his district, and to keep said roads in good repair, so far as the means provided will enable him.

County Court to lay off districts, &c.

§ 2. The Clerk of said court shall, within ten days after the entry of each and every order appointing a road overseer, deliver to the Sheriff of said county a copy of such order, with a copy of such order, with a copy of the order establishing the district of which the person so appointed is supervisor attached thereto, and said Sheriff shall, within ten days after the receipt of said copies, de-

Clerk of County Court to deliver order to Sheriff, &c.

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liver a true copy of each to the person thereby appointed overseer; and said Sheriff shall return the Clerk's copies, with an endorsement of the execution thereon, to the office from whence they issued, on or before the next regular County Court day.

Tax for road
purposes.

§ 3. That a tax of three cents on each one hundred dollars of the *ad valorem* valuation of property as assessed for State revenue, and a poll tax of one dollar and twenty-five cents for said purposes, shall be assessed on all white males and free males of color between the ages of twenty-one and fifty years, and one dollar on all male slaves of color over twenty-one and under fifty years of age; all other persons in said county shall be exempt from a poll tax for road purposes. And the Clerk of the County Court of Boone shall, in 1858, and every year thereafter, open one column throughout the tax book, which is to be delivered to the Sheriff of said county, and shall head said column "road tax," and shall set down therein, opposite each person's name, the amount of such person a road tax, uniting the *ad valorem* tax and the levies in one sum; and if any error shall occur in such aggregation and rendition of the road tax, it may be corrected at any time by the said Clerk, or on his refusal, by said court.

Sheriff to execute
bond to collect
taxes, &c.

§ 4. Before said tax book shall be delivered to the Sheriff of said county, he shall execute bond before said County Court, in a sufficient penalty, with two good securities, conditioned that he will faithfully collect and pay over, according to law, all taxes and levies, and other sums appropriated to road purposes in said county; and after complying with this requisition he shall proceed to collect said road taxes and levies as he does other taxes and levies, and shall pay over the same to the orders of the Boone County Court as fast as collected, if so required; and said Sheriff shall be entitled to two per cent. on the amount of road taxes and levies he collects, which shall be full compensation for collecting and paying over said road taxes and levies; and for all other services he may perform under this act; and the said court shall bring said Sheriff to a full settlement of all road fines and claims which have come into his hands at least once in each year.

Each road district
to receive
its part of road
fund.

§ 5. The several road districts in said county shall each be entitled to an equal yearly amount or allowance out of said road fund, which shall be delivered to the Sheriff, and paid over by him to the several superintendents at the time of delivering the copy appointing him overseer. And said superintendent shall lay out and expend the same to the best advantage for the improvement and repair of the roads; and he shall be entitled to an allowance of one dollar per day for each day he devotes to

the working and repairing said roads: *Provided*, That no overseer shall receive more than five dollars for his personal services in any one year.

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§ 6. The said County Court shall have power to appoint and for cause to remove the overseers of roads, and on motion of the County Attorney to render judgment against an overseer for any unexpended balance which may remain in his hands upon his resignation or removal from office, and to render judgment against the Sheriff and his securities for any sum or sums not paid over according to law: *Provided however*, That no judgment on motion shall be rendered unless there be ten days notice of such motion, and the same shall be carried on in the name of the county of Boone; said court may also release infirm or indigent persons from the payment of the road levies, and alter and change the road districts, so as to keep the amount of labor about the same in each.

County Courts
appoint over-
seers of roads,
&c.

§ 7. That every overseer shall keep an accurate account of all moneys received by him, to whom paid, and for what purpose, and shall return the same to the County Court at its March term in each year, verified by his oath before some Justice of the Peace for said county, and in like manner, when any overseer shall resign, he return said account to the court next succeeding the time of resignation, verified by his oath as aforesaid; and said overseer shall be responsible to the court for any moneys received by him, not properly and lawfully accounted for, which shall be placed in the hands of his successor, to be expended in the same district. And any overseer not keeping the roads in his district in as good repair as the means at his disposal will enable him to do, shall be liable to indictment in the Circuit Court of Boone county, and upon the verdict of the jury shall be subject to a fine of not less than ten nor more than twenty-five dollars.

Accounts of
receipts, &c., to
be kept.

§ 8. That it shall be the duty of the several overseers, when they are working the roads, to employ any person who lives in his district that is a tax payer, and who wishes and makes application to work out the amount of his tax on the road: *And provided further*, The Clerk of the County Court shall be allowed ten cents for each certificate he may make out.

Taxes may be
paid in work on
roads, &c.

Approved February 12, 1858.

CHAPTER 365.

AN ACT for the benefit of William L. Kirk and Wm. Douglass, of Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years, from and after the passage of this act, is allowed to William A. Kirk, late

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Sheriff of Marion county, Kentucky, and his deputy, William Douglass, to collect their unpaid taxes and fee bills.

Approved February 12, 1858.

CHAPTER 366.

AN ACT for the benefit of W. H. Hamilton, late Sheriff of Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William H. Hamilton, late Sheriff of Larue county, be and he is hereby allowed the further time of two years, from and after the passage of this act, to collect his fee bills and arrears of taxes and other fees due him as Sheriff aforesaid, and may distrain for the same, subject to the same rules and regulations as now govern other officers in collecting fee bills, taxes, &c.

Approved February 12, 1858.

CHAPTER 367.

AN ACT to incorporate the Salem Baptist Church, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. S. Carriss, A. J. Meeks, Allen Robertson, and C. Y. Freeman, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the "Trustees of the Salem Baptist Church in Shelby county;" and by that name to have perpetual succession, with all powers incident to corporations, for the purpose of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, so far as may be necessary to protect and preserve the rights, titles, privileges, and immunities of said church, which now do, may, or shall hereafter belong to the same; also, to buy any lot or lots and receive conveyance therefor, or for any other real estate which may have been heretofore purchased by the Trustees of said church, or by other persons for the use of the same, or which may hereafter be given or devised to them for the use of said church, all of which property shall pass to them and their successors in office forever, pursuant to the desire or express limitation of the donor or grantor.

§ 2. That the said Trustees, hereby appointed, shall continue in office so long as they shall continue to be members of said church unless they shall sooner resign or refuse to act; and whenever vacancies occur it shall be lawful for the same to be filled pursuant to said church discipline, and the rules and regulations of said Trustees.

§ 3. That a majority of said Trustees shall constitute a quorum to do business, and as such it shall be their duty, and they are hereby authorized and empowered, to keep a fair record of all their proceedings, and to appoint all such officers as they may see proper and fit, in pursuance of their church discipline, and to pass such by-laws and regulations, relative to the government and control of whatever property they may possess, as they may think proper, not inconsistent with the rules and discipline of said church, the constitution of the United States, of this State, and the laws of the same.

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Approved February 12, 1858.

CHAPTER 368.

AN ACT to establish a tobacco inspection and warehouse at Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That inspections of leaf tobacco in hogsheads may be established in the town of Mayfield; and warehouses for the inspection, storage, and sale of tobacco shall be built of brick, or stone, or of scantling inclosed with strong planks well nailed on, or of logs so close as to keep safely and prevent injury from the weather to articles stored therein, with a good tight roof, and proper fastenings to the doors and windows; the house shall be so constructed as to keep safely and secure, and guard against fire and weather, as far as practicable, all tobacco stored therein; and such houses shall, at all times, be kept in good repair and condition for receiving, storing, inspecting, selling, and delivering tobacco in hogsheads; such warehouses shall be hereafter established in the town of Mayfield.

Inspections and
warehouses es-
tablished.

§ 2. Such warehouses shall be used for storing, &c., of tobacco, as aforesaid, and shall be kept open and in a proper condition, with the necessary conveniences to receive, inspect, sell, and deliver hogsheads of tobacco; the proprietors of each tobacco warehouse within said town shall provide, and constantly keep the same in good order, scales of sufficient size and strength to weigh, with convenient standard weights, at least one ton weight, which shall be tested at least once in every year, and oftener if required by the standard of weights and measures; and shall provide one or more coopers and able bodied men to do the coopering and handle the tobacco stored, inspected, and sold in such warehouse, and to do all things needful in receiving, storing, inspecting, selling, coopering, and delivering hogsheads of tobacco; shall likewise provide and keep in each warehouse a well

Duties of pro-
prietors of ware-
houses.

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bound book of proper size, to be entered therein the marks, number, gross, tare, and net weight, and when received, when inspected, when sold, and when delivered, the owner's or planter's name, the name of the purchaser, the price and fees of each hogshead of tobacco inspected and sold at such warehouse; to make out bills for the planter, and weigh and mark each hogshead of tobacco, and to collect, if required to do so, the money arising from the sales for the planter, and pay the same over to him.

Inspectors shall
not trade in to-
bacco, &c.

§ 3. No inspector shall directly or indirectly, for himself or any other person, be engaged in buying or selling tobacco at any warehouse of which he is inspector. Each proprietor of every tobacco warehouse within said town shall be liable for the good conduct of his servants, and for the safe keeping and delivery of tobacco stored in such warehouse, except in cases of fire or unavoidable casualties; and shall deliver all tobacco to the owner on the sidewalk within reasonable time after demand at the warehouse, and presentation of the receipt therefor to one of the proprietors of the house or his Clerk, and tender of the fees due the warehouse upon such tobacco.

No fire allowed
in warehouses.

§ 4. No fire shall be made in any tobacco warehouse in said town, except in the Clerk's office or business rooms, and care shall be taken that the fire-place or stove and pipe shall be arranged to guard against fires.

Proprietors of
warehouses to
give bond, &c.

§ 5. That each proprietor shall enter into bond with good security, to be approved by the Judge of the Graves County Court, payable to the Commonwealth of Kentucky, in the penal sum of two thousand dollars, well and truly to do, perform, and comply with all the provisions of this act, and the injured party, if any, may sue thereon and recover as in other cases; and any such proprietors shall also pay a fine, not exceeding one hundred dollars, unto the Commonwealth, to be recovered by suit before the County Judge of Graves county, for any failure, refusal, or neglect of the duties herein required.

County Court to
appoint Inspectors.

§ 6. That in the month of April, 1858, and every two years thereafter, the County Judge of Graves county shall appoint three competent citizens and residents of Kentucky, having due regard to the recommendation of the owners of the houses, inspectors of leaf tobacco for the town of Mayfield, who shall hold their offices for two years, or until their successors are appointed and qualified; they may be removed from office at any time for good cause and inability to act, or removal from the county shall be a just cause of removal; and the County Judge may fill any vacancy in said office from any cause. No inspector of tobacco shall be directly or indirectly interested in any tobacco warehouse within said town, nor shall he, in any manner, be concerned or interested in

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purchasing or selling of leaf tobacco by the hogshead or loose in the hand during their continuance in office, any such act shall be cause of removal from office; and the inspectors shall from 8 o'clock A. M., to 5 o'clock P. M., of each day, attend to the inspection of tobacco when called upon to do so; and shall, in the month of January in each year, render to the County Court of Graves county a true account, in writing, of the number of hogsheads of tobacco inspected by them the previous year at each warehouse; they shall, likewise, in their annual report, state the condition of each warehouse within the town, the quantity each is capable of holding, and make such suggestions as they may think will promote the inspection and sale of leaf tobacco in said town.

§ 7. That said inspectors shall superintend the weighing of each hogshead of tobacco after they have inspected it, and the weighing of the empty hogshead, and to see that the proper weight—gross, tare, and net—is marked on one of the heads of the same; they shall cause each hogshead of tobacco to be uncased and broke in different places, not exceeding three, and take from each hogshead samples; they may make a more extensive examination, by breaking the tobacco oftener, if deemed necessary to test its quality. If two inspectors shall agree that any hogshead of tobacco inspected by them is good, sound, well conditioned, merchantable, and clear of trash, they shall mark it "passed," if they consider it not of such quality, they shall mark it "refused;" and each hogshead inspected by them shall be marked on one of heads "passed" or "refused," as the case may be, and shall be so designated in the note to be issued for the same. Each inspector shall receive twenty cents for each hogshead inspected by him, to be paid by the owner or agent.

Duties of Inspectors.

§ 8. The fees to be collected by the proprietors or owners of each warehouse shall be as follows: One dollar and fifteen cents for receiving, weighing, coopering, marking, and making out bills of sales, &c., fifty cents storage, and sixty cents for inspection, payable to the inspectors; of this amount the planter or owner shall pay one dollar, and the purchaser or holder of the note, payable upon the execution and delivery of said note by the proprietor, one dollar and twenty-five cents.

Fees, &c.

§ 9. The following shall be the form of the note to be signed by said three inspectors for each hogshead of tobacco inspected by them: " Kentucky

Form of note, &c.

warehouse, inspected on the day of ,
18 , for , one hogshead of leaf tobacco,
marked , No. , gross , tare , net , which
we have passed, (or refused, as the case may be.)" The
note to be printed, and under the names of the inspectors

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shall be the following receipt, also printed, and to be signed by the proprietor of the warehouse, or by some authorized person for him: "Received of _____, the above hogshead of tobacco, to be delivered to him or his assigns when demanded at my (or our) warehouse in _____, upon the presentation of this note and receipt, and payment of the warehouse fees, _____ day of _____, 18 ____." Which note and property, in the tobacco described therein, shall pass by the possession of said note.

Inspectors to
see proper en-
tries made, &c.

§ 10. The inspectors shall see that the proper entries are made upon the note-book to be kept as herein provided, and that hogsheads of tobacco are properly stored and taken care of, and shall, before they enter upon the duties of their office, take an oath before a Justice of the Peace for Graves county well and truly and faithfully, without partiality, discharge the duties of the office of tobacco inspector of Mayfield, as herein directed. A certificate of said oath shall be filed with the Clerk of the County Court. Each inspector shall, likewise, before he enters upon the duties of said office, enter into bond with good security, to be approved by the County Court, payable to the Commonwealth of Kentucky, in the penal sum of two thousand dollars, conditioned for the true and faithful performance of his duty according to the provisions of this act—which bond may be sued upon and recovery had as in other cases. And each inspector shall be subject to a fine not exceeding one hundred dollars, to be recovered by suit before the County Judge of Graves county, at the instance of any person aggrieved, in the name of the Commonwealth, for a failure, refusal, or neglect of any of the duties or obligations required by this act.

Owners of to-
bacco not com-
pelled to take it
to warehouse.

§ 11. No planter or owner of tobacco shall be compelled to take it to any warehouse in said town, or have the same inspected or sold at auction or otherwise, and if sold at auction in either of said warehouses may refuse to take the price at which the same was cried off.

Tobacco not to
be sold at ware-
house unless in-
spected.

§ 12. No owner or proprietor of any established tobacco warehouse in Mayfield shall sell, or suffer to be sold, at public outcry in said warehouse, by sample, any tobacco in hogsheads unless said tobacco has been inspected by two of the inspectors of tobacco in said town, and for such offense shall be subject to a fine not exceeding one hundred dollars, to be recovered by suit before the County Judge of Graves county, at the instance of any person aggrieved in the name of the Commonwealth.

Extra storage.

§ 13. If any hogshead of tobacco shall remain in any warehouse twelve months the owner or proprietor of the warehouse shall be entitled to one dollar extra storage, and at the same rate for the time it remains over one

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year; and should tobacco be stored in any warehouse, which remained unsold for more than a year, and should be taken away without inspection, the owners of any such tobacco shall pay the proprietor of the warehouse storage of one dollar for the first year, and the like sum for each subsequent year the same may remain on storage. A lien is given upon all tobacco stored or sold in any established warehouse to the proprietor of said house for his fees, and to the inspectors for their fees.

§ 14. It shall be the duty of the inspectors, when requested by the owner or purchaser of tobacco, to seal the samples made by them with marks and numbers corresponding with those upon the hogshead from which it was taken, for which they shall receive a fee of five cents per sample, to be paid by the person requesting it to be done. It shall be the duty of the inspectors to sell the tobacco at public out-cry, if so desired by the owner or planter, at the regular established tobacco warehouse in said town free of charge.

Inspectors to seal and mark samples, &c.

§ 15. That all acts or parts of acts, coming in conflict with this act, are hereby repealed.

Approved February 12, 1858.

CHAPTER 369.

AN ACT to incorporate the Stony Point and Seamand's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed, for the purpose of making a turnpike road on the McAdams' plan, from Stony Point Meeting House, in Bourbon county, to a point on the Paris and North Middletown turnpike where the road from Stony Point intersects said road, under the name and style of the "Stony Point and Seamand's Mill Turnpike Road Company," and by that name shall be a body politic and corporate.

Corporate name and style.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of fifty dollars each. Subscriptions for stock in said company shall be opened in North Middletown on or before the first day of March next, or in reasonable time thereafter.

Capital stock.

§ 3. That the following persons are hereby appointed Commissioners to perform the duties required by this act: Harvey Kerr, P. J. Seamands, Thomas J. Mitchell, John W. Hedge, and A. Frank Brown; and that they procure books, and the subscribers for stock shall subscribe in said book an obligation to the effect, viz: "We, whose names are hereunto subscribed do respectively promise to pay to the Stony Point and Seamands' Mill Turnpike

Commissioners.

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Road Company the sum of fifty dollars for each share of stock set opposite our names, in such proportion, and at such times, as shall be determined by said corporation."

Meeting to be called.

§ 4. When one hundred and sixty shares of stock are subscribed said Commissioners, or a majority of them, shall notify the stockholders, in the most public places along the road, and in North Middletown and at Stony Point, for two weeks in succession, of the fact, and call a meeting of the stockholders at such time and place as they may designate in such notice, for the purpose of choosing officers; and in the election of officers each shareholder shall be entitled to one vote for each share, and may vote in person or by proxy in writing.

Width of road.

§ 5. The width of said road shall not be more than fifty feet, and the part covered with metal not less than sixteen feet.

Officers, &c.

§ 6. The officers of said company shall consist of a President and four Directors, and a Treasurer; and the President and Directors shall keep a record of their proceedings in a well bound book, which shall at all times be accessible to each and every one of the stockholders for inspection, upon application to said board. They may, at their discretion, employ the services of a Clerk, and pay him such compensation as they deem proper.

Bourbon County Court may take stock.

§ 7. The Bourbon County Court may subscribe stock in said company, a majority of its Justices being present and concurring, by an order directing its Clerk to make such subscription, and when made shall be obligatory on said County Court. And to enable said court to pay such subscription, when made, it is hereby empowered to levy a tax on the lands and other estate of the citizens of said county, subject to State revenue, not to exceed six cents on the one hundred dollars worth of property in any one year; and said tax, when levied, shall be collected by the Sheriff of said county, and by him paid over to the County Treasurer, on or before the first day of January next succeeding the year in which the same is levied and to be paid; and the County Treasurer shall pay the same at such time and places, and in such manner and amounts, as shall be required of him by the President and Directors of said company: *Provided*, That the dividends arising on the stocks thus taken by said County Court shall be applied, when collected, towards lessening the county levy.

Powers, &c., when organized

§ 8. So soon as said company shall organize the President and Directors shall possess all the powers, authorities, rights, and privileges, and may do all the acts and things necessary for letting, contracting, and completing said turnpike road, and shall be subject to all the duties, qualifications, and restrictions, penalties, fines, and forfeitures, (if any,) and be entitled to like tolls and profits

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as are given and granted to the Maysville and Lexington Turnpike Road Company; and all the provisions of the act, approved January 22nd, 1827, incorporating the Maysville and Lexington Turnpike Road Company, are hereby enacted as part hereof, except so far as provided by this act, or may come in collision with the provisions of the same, and except also so much of the provision of the 14th section thereof as requires notice to the Governor when five miles of said road shall be completed, and a license from him to erect gates, &c —the President and Directors being hereby authorized to perform that duty—and also excepting the whole of the 27th, 28th, and 29th sections of said act.

§ 9. That the President and Directors of said company shall locate said road on the line of the old road, as now established, from Stony Point to its intersection with the Paris and North Middletown turnpike; and they shall fix the elevation of the grade of said road: *Provided*, That said President and Directors may vary from the line of said old road, by first obtaining the consent of the owner or owners of the land where such variation may occur.

Location of road

§ 10. The President and Directors, as soon as said road shall be completed, may erect a toll-gate thereon, at which they may collect such tolls as are contemplated by the 8th section of this act; and they shall have the power to collect toll for one mile wherever a fraction of a mile may occur.

May erect gates.

§ 11. That the President and Directors of said company shall not be required, in the completion of said road, to erect bridges at the crossings of Strodes creek and Stoner creek, but shall complete said road to low water mark at the margins of said creeks at said crossings; and that the failure to erect said bridges shall not thereby affect the rights and privileges of said company, as conferred by this act.

Not required to erect bridges.

§ 12. That the Sheriff, for collecting and paying over the road tax to be assessed by the County Court under this act, shall be allowed five per cent. on the amount collected and paid over; and for failing to perform the duties prescribed by this act, they shall be subject to all the liabilities which they would incur for a like failure in the discharge of their duties as collectors of the State revenue.

Sheriff's fees for collecting tax.

§ 13. That all persons who may subscribe stock to said road shall not when the same has been completed, be compelled to work upon any other road.

Stockholders not to work on roads.

§ 14. That all stockholders and their families, in going to or from elections, or mills, or attending any funeral services, or processions, shall be exempted from paying tolls.

When stockholders not to pay toll.

Approved February 12, 1858.

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CHAPTER 370.

AN ACT amending the charter of the Knob Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the charter of the Knob Lick turnpike road company, requiring said road to be forty feet in width, be so amended as to require the directors of said road to restrict the width of the road to a width not less than thirty feet; and that whenever said road shall be completed, said Board of Directors are hereby authorized to erect two gates upon said road, and receive full toll at each gate. The Legislature reserves the right to repeal or amend this act.

Approved February 12, 1858.

CHAPTER 371.

AN ACT to amend the charter of the Crab Orchard and Gilmore's Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the 9th section of an act, entitled, an act incorporating Gilmore's Lick and Crab Orchard turnpike road company, be so amended as to allow a toll gate to be erected upon said road, and half toll to be charged upon the same, whenever two miles and a half of said road shall have been completed and received by the County Court: *Provided*, That the company shall be required to make the necessary change at said gate.

Approved February 12, 1858.

CHAPTER 372.

AN ACT to incorporate the Rolling Fork and St. Marys Turnpike Road Company, in Marion county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporate name
and style.

§ 1. That a company is hereby formed, under the name and style of the "Rolling Fork and St. Marys Turnpike Road Company," for the purpose of constructing an artificial road from the most practicable point at or near New Market or Rolling Fork bridge to St. Mary's College depot, on the Lebanon branch of the Louisville and Nashville Railroad.

Capital stock.

§ 2. That the capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each, and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object

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of this act then the President and Directors may increase it to such amount as they may deem necessary, and open subscriptions therefor in such way as they may deem best.

§ 3. Books for the subscription of stock in said company shall be opened on the day of February, 1858, or as soon thereafter as may be convenient, at St. Mary's College, and at the town of New Market, under the direction of E. A. Graves, Thos. Carter, Gus. Haden, Jas. Bell, Thos. Bivin, Peter Ray, John G. Matingly, and John Bivin, or some two or more of them at each place, who are appointed Commissioners. The said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into an obligation in said book or books, to pay to the President and Directors and company of the Rolling Fork and St. Mary's turnpike road company the sum of fifty dollars for each and every share of stock set opposite their names. And in case any person or persons wish to pay their stock, or any part of it, in work on said road, they shall append to their names the following words: "To be paid in work on said road, at such time and in such manner as may be prescribed by the President and Directors, and at such valuation as may be made by the superintendent or engineer for said company."

Commissioners.

§ 4. All the sections of an act, entitled, an act to incorporate the Danville and Hustonville turnpike road company, approved March 1st, 1844, beginning at section 4 to the 35th section inclusive, are hereby incorporated and made part of this act, as far as applicable, and as fully as if written out and incorporated in this act.

Charter of Hustonville & Danville road made part of this.

§ 5. All the sections of an act to incorporate the Lebanon and Maxville turnpike road company, approved March 19, 1856, beginning at the fifth section to the fourteenth, are hereby incorporated and made a part of this charter, with all the privileges, powers, rights, and immunities therein contained, so far as applicable.

Charter of Lebanon and Maxville road made part of this.

§ 6. That whenever two and a half miles of said road is finished consecutively, the company shall have the power to erect a gate, and receive half toll, in proportion as if five consecutive miles had been finished; and shall furnish change at said gate.

Gates may be erected.

Approved February 12, 1858.

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CHAPTER 373.

AN ACT to authorize the County Court of Logan to change its subscription to the Louisville and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County Court
may change sub-
scription.

§ 1. That by the consent of the Louisville and Nashville railroad company, the County Court of Logan, for and in the name of the county of Logan, is hereby vested with the power, in the manner herein prescribed, to change the subscription and mode of payment made by said county, under the amended charter, of the sum of three hundred thousand dollars to aid in the construction of the branch railroad leading through the county of Logan, in the direction to Memphis.

Railroad com-
pany to give
consent.

§ 2. That said railroad company, through the President and a majority of the Directors, shall be and are hereby vested with the power to give consent to receive and accept of the county of Logan, acting through the County Court of said county, in lieu of its present subscription of three hundred thousand dollars, the sum of two hundred and forty thousand dollars, to be paid in the bonds of said county, bearing six per cent. interest, payable semi-annually at the Southern Bank of Kentucky, in Russellville, one-fifth to mature in one, one-fifth in two, one-fifth in three, one-fifth in four, and one-fifth in five years from their respective dates. That the consent shall be in the form of a written resolution, signed by the President and a majority of the Directors, countersigned by the Secretary, with the seal of the corporation attached, which shall be entered of record on the order or minute book of said County Court.

Duty of Sheriff.
Duty of Judge.

§ 3. That on the receipt of such written consent it shall be the duty of the County Court to make an order of said court, in substance to the following effect: That it shall be the duty of the Sheriff to cause it to be advertised in the newspaper published in Russellville, if any, and in printed form posted on the Court House door, and at each of the places of voting in said county, to the effect that on the day named in said order a poll would be opened at each of the places of voting in said county, to take the sense of the people on the propriety of changing the subscription of said county to the Louisville and Nashville railroad company, from three hundred thousand dollars to two hundred and forty thousand dollars, payable in one, two, three, four, and five years from date. It shall be the duty of the County Court to appoint the requisite number of Judges and Clerks; and the Sheriff shall, by himself or the requisite number of deputies, attend at the respective places of voting, and in conducting said election shall be governed by the laws regulating the elections of Representatives; at which election each qualified

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voter under the laws and constitution shall be entitled to a vote; and when he shall present himself for a vote, the question shall be propounded to him, in substance, "Do you vote for or against the proposed substitution of bonds having one, two, three, four, and five years to run, to amount of two hundred and forty thousand dollars, in lieu of bonds to amount of three hundred thousand dollars, as subscribed to the Louisville and Nashville railroad company to build the Memphis branch?" It shall be the duty of the Judges, Clerks, and Sheriff to certify, in substance, that a poll was opened on the day specified, at which there was polled the number of votes to be named, setting forth the number for and against the substitution. The books shall be returned to the office of the County Court, within the next five days, and at the next succeeding term the Judge of the County Court and Clerk shall compare the vote and enter the result on record.

§ 4. That if it shall appear there was a majority of the votes cast at said election in favor of the substitution, it shall be the duty of the Presiding Judge of the County Court of Logan to execute and deliver said bonds. They shall be made payable to bearer, and pass by delivery, and of a denomination not less than one hundred nor more than one thousand dollars, bearing six per cent., payable half yearly, with coupons attached, countersigned by the Clerk, and the coupons signed by the Clerk, and to each bond the county seal shall be attached. It shall be deemed and held that each officer has performed his duty under the provisions of this act till the contrary is shown. When the County Judge shall have signed and delivered said bonds, he shall take from the President of the company a written acknowledgment that said bonds are accepted in lieu of the right of the company to bonds to amount of three hundred thousand dollars, and in satisfaction of the subscription of said county to said company.

Duty of Judge.

§ 5. That it shall be the duty of said County Court, at the next court succeeding the delivery of said bonds, or at latest not farther than the third term, to make a levy on the property of the tax payers of said county subject to revenue tax, and on the land lying within the county, and the owners living without, if their location and value can be ascertained, and in each succeeding year thereafter, on the last assessment of taxable property, to an amount sufficient to pay the interest on the whole sum; and in each separate year to pay the principal of the bonds falling due in that current year, and the costs of collection; and shall appoint one or more Collectors, and fix their compensation, not to exceed five per cent., and take from such Collectors bonds with approved security, payable to the County Court of Logan, conditioned to faithfully collect and pay over the same within the time to be prescribed in said

County Court to make levy, &c.

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bonds, suited to the payments to be made of the interest and principal of said bonds; and on failure to pay, proceedings may be had by suit or motion, and on recovery ten per cent. shall be added to the judgment. The Sheriff, or any of his deputies, may be appointed Collectors, but shall give bond as herein prescribed; and such Collectors shall be and are hereby vested with all the powers conferred by law on the Sheriff in collecting the revenue tax.

Administrators,
&c., may invest
in stock.

§ 6. That it shall be lawful for administrators, guardians, executors, and trustees to vest the moneys held by them in their fiduciary character, in the purchase of said bonds, and whilst so vested said funds shall not be subject to taxation: *Provided however*, That (with the assent of the President and Directors of said railroad company) the said County Court may substitute cash payments for stock, in place of the bonds herein provided to be issued, should such substitution be preferred by a majority of the qualified voters, to be ascertained as herein provided, as follows, viz: seventy-five thousand dollars on the first day of January for three successive years; making in the aggregate two hundred and twenty-five thousand dollars—any amount of stock hereafter subscribed by citizens of said county, and duly paid, to be considered as part of said two hundred and twenty-five thousand dollars: *Provided further*, That should the above mode of payment be selected, the Judge of said county is hereby authorized to cause a sufficient amount of taxes to be levied upon the taxable property of the citizens of the county, lying within the limits thereof, to pay the amount annually due, to be collected as other taxes are now collected by law, and for similar compensation—the tax receipts to entitle the payer or his representative or assignee to the full amount thereof in stock of said railroad company; and the said company shall recognize the same, by official certificates, signed as other stock certificates.

Approved February 12, 1858.

CHAPTER 374.

AN ACT to incorporate the Fowlers Creek and Staffordsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That a company may be formed and created a body politic and corporate, by the name and style of the "Fowler's Creek and Staffordsburg Turnpike Company, for the purpose of making a turnpike road from or near the mouth of Fowler's creek, on the Covington and Independence road, the most practicable route to Thos. Stephens', thence the most practicable route to Staffordsburg.

§ 2. The capital stock of said company shall be twenty thousand dollars, (to be increased if necessary to carry out the objects for which said company is created,) which stock shall be divided into shares of fifty dollars each.

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Capital stock.

§ 3. Books for the subscription of stock may be opened at any time after the passage of this act, under the direction of Thos. Stephens, Harvey Biggs, Wm. W. Coleman, A. J. Morris, John A. Hall, George W. Pickett, Stanton Wayman, and Willford Senours, as Commissioners, any two or more of whom may proceed to solicit and obtain subscriptions to the capital stock of said company, until at least five thousand dollars shall have been subscribed. They shall then, by three or more public advertisements, notify the stockholders to meet at Independence ten days after date of said advertisements, to elect a President and six Directors. at which time and place one or more of the Commissioners shall attend as judges of the election. No person shall be eligible to office unless he be a stockholder. The Commissioners shall then proceed to take the votes of the stockholders, which may be given in person or by proxy, allowing one vote for each share subscribed. In this and all subsequent elections a majority of the shares voted shall determine the choice.

Commissioners.

Notice of meeting.

§ 4. The President and Directors shall continue in office for one year, or until their successors shall be duly appointed and qualified: *Provided*, That at any general meeting of the stockholders a majority, in value, of all the stockholders in said company may remove from office the President, or any of the Directors of said company, and fill up vacancies thus created in the same way, and to the same extent, that they could do at their stated annual meeting.

Term of office.

§ 5. Every President and Director of said company, before he acts as such, shall swear or affirm, (as the case may be,) before some person authorized to administer oaths, that he will well and truly discharge the duties of his said office to the best of his skill and judgment, without favor or affection.

President, &c., to take oath.

§ 6. As soon as said company is organized by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name and style of the "President and Directors of the Fowler's creek and Staffordsburg Turnpike Road Company," and by that name shall have perpetual succession, and privileges, and franchises incident to a corporation; shall be capable of holding their capital, and the increase and profits thereof; and of taking and holding, by purchase or gift, all such lands, tenements, and hereditaments, real and personal property, as may be necessary for the prosecution of their work, or the objects of the corporation; they shall have power to contract and be contracted

When organized—powers of officers, &c.

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with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity or elsewhere; also, to have and use a common seal, and generally to do all or any act, matter, or thing which a corporation may lawfully do to effect the objects for which this corporation was created.

Width of road,
grade, &c.

§ 7. The President and Directors shall fix and regulate the elevation and grade of said road, so that said elevation shall not exceed four degrees; the width of the part thereof to be covered with stone; shall designate the places for the erection of gates; may fix the rates of toll, regulate and change the same; may enlarge the capital stock to such amount as they may deem necessary, and open subscription therefor in such manner as they may direct, or they may apply the proceeds of such part of said road as may be completed to the completion of the residue; and shall have power to erect a gate after five miles of said road shall have been completed: *Provided*, That the rates of toll charged and exacted for travel on said road shall not exceed those charged and exacted on the Bank Lick turnpike road: *Provided*, That the width of said road shall not be less than thirty feet, where practicable, and the part graveled or McAdamized shall not be less than fifteen feet.

May survey
route, &c.

§ 8. The President and Directors, with their surveyors, engineers, artists, and chain carriers, are hereby authorized and empowered to enter in and open the land and enclosures, public roads and highways in, through, and over which said intended road may be thought proper to pass; to examine and survey the ground most proper for that purpose; to examine quarries, beds of stone, and gravel, and other materials necessary for the completion of said road; and having due regard to distance, grade, subscription, and the prospective interests of the company and country through which said road may pass, they shall locate on the most practicable and advantageous route, and cause a plat of the same to be made out and deposited with the Treasurer of the company.

How right of
way, &c., may
be obtained.

§ 9. It shall be lawful for the President and Directors, with their superintendents, engineers, workmen, and laborers with their tools and instruments, carts, wagons, and other carriages, and their beasts of draught, or burthen, to enter upon the land in and over, contiguous and near to which said road is intended to pass, having first given notice of their intention to the owners and occupants thereof, or their agents: *Provided*, That if the President and Directors shall not agree with the owners of the land through which said road is proposed to pass, as to damages which said owners may sustain by said road passing through their lands, the President, and Directors

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shall apply to the Kenton County Court, or other proper court of said county, for a writ of *ad quod damnum*, to assess the value of the land taken, and the damages which may be sustained by the owners of said land; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages by the establishment of said road; and upon the payment or tender of the damages assessed it shall be lawful for the President and Directors to open and make such road, and to dig and carry away any stone, gravel, earth, or other materials necessary for the construction or repairing of said road: *Provided*, The assessed value of the land taken shall not be set off by any estimated advantages to the lands.

§ 10. The President and Directors may require payment of the stock subscribed, at such times and in such installments as they shall deem necessary; and any stockholder failing to pay the amount of the call upon him for thirty days after the same shall become due and payable, shall pay, in addition thereto, one per cent. on said amount, and two per cent. per month for every month it remains unpaid thereafter. The President and Directors shall deliver a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, to each shareholder for each share by him or her subscribed and held, which certificate shall be transferrable on the books of said company, in person or by attorney, but no share shall be transferred until all arrearages thereon are paid. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate given to the purchaser, who shall be entitled to all the benefits and privileges that would have accrued to the original owner.

Calls on stock.

§ 11. The President and Directors shall appoint a Treasurer, and such other officers as they may deem necessary, who shall hold their office for one year, and until their successors are appointed. The Treasurer shall, before entering on the duties of his office, give bond with two or more good securities, in the penalty of ten thousand dollars, payable to the President and Directors of said company, conditioned that he will faithfully discharge the duties of Treasurer of said company, and that he will, when called upon, pay the amount of money in his hands to the order of the President and Directors, and that he will perform the duties required of him by the laws of said company.

Treasurer and other officers to be appointed.

§ 12. If the subscribers to the company hereby authorized shall not become so far organized as to elect a President and Directors within five years from the passage of this act, and within eighteen months thereafter make *bona fide* contracts for the construction of at least five

If not organized when powers shall cease.

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miles of said road, the privileges of said corporation shall cease, and this act be void.

§ 13. This act shall take effect from and after its passage.

Approved February 12, 1858.

CHAPTER 375.

AN ACT to amend the charter of the town of Greenville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may
open streets and
alleys, &c.

§ 1. That the Board of Trustees of the town of Greenville, in Muhlenburg county, shall have power, by ordinance, to receive and accept any street or alley laid out by any person or persons within the town limits, and make and declare the same an established street or alley of the town of Greenville; and also to lay out, open, widen, extend, alter, or straighten any street, alley, market place or public ground, within the town limits, and to appropriate or procure the condemnation of real and personal estate for these purposes: *Provided*, That in no case shall private property be taken for any such purpose without the written consent of the owner or owners thereof, or unless the compensation therefor shall be first fixed by agreement or by a jury empannelled for that purpose by the order of the Presiding Judge of the Muhlenburg County Court; and the compensation so fixed shall be paid to the owner or owners thereof out of the treasury of said town.

May improve
streets, &c.

§ 2. That the Board of Trustees of said town shall have power to pass ordinances to procure the improvement, either by grading and paving, or by grading, paving, and McAdamizing, or by grading and planking, or by any other method, any portion of, or the whole of, any street or alley, market place or public ground, now established or which may hereafter be established within the town limits, either at the cost of the owner or owners of the ground fronting such improvement on the street or alley, to be apportioned according to the number of feet front each may own in front of said improvement, and a lien is hereby created on the said ground for the cost of said improvement; or to be paid for out of the town treasury: *Provided however*, That when any such improvement has not been petitioned for by the owners of a majority of feet of ground in front of said improvement, it shall require the concurrence of two-thirds of the members of the Board of Trustees, to pass the ordinance to procure said improvement at the cost of the owner or owners of the ground fronting the improvement, and the final vote

thereon shall be taken by yeas and nays, and recorded in the journal of proceedings of said Board of Trustees.

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§ 3. The said board may pass ordinances to procure the grading, curbing and paving with brick or other material of side-walks on any of the streets or squares within the town limits, or to re-grade, re-curb and re-pave in like manner such side-walks as in the opinion of the Board of Trustees require it, at the cost of the owner or owners of lots or parts of lots fronting on such side-walks, and to be apportioned according to the amount of work actually done in front of such lots or parts of lots, and for such cost a lien is hereby created against such lots or parts of lots: *Provided however*, That no such ordinance shall be enforced until an advertisement has been posted at least thirty days at the court house door and three other public places in said town, describing the street or streets, square or squares, or part of street or streets or square or squares, in which the side-walks are situated which it is proposed to grade, curb and pave, or re-grade, re-curb and re-pave, and giving the name or names of the owner or owners of the ground, when known, fronting the proposed improvement, and notifying the owner or owners that if the work is not done by them, or at their cost, within thirty days from the date of the advertisement, the ordinance will be enforced.

Side-walks to be paved, &c.

§ 4. The liens given for the purposes named in the foregoing sections 2, and 3, may be enforced by filing in the Muhlenburg Circuit Court a petition in equity, with a copy of the ordinance directing the work to be done, and of the contract for doing the same, and of the report of the completion of the work, and of the apportionment of the cost of same made as required, which shall be *prima facie*, evidence in favor of the contractor or any claimant under him; and to this petition all persons who by the apportionment are to pay any part of the cost, shall be parties, unless they have paid their part of the cost agreeable to the apportionment, which fact shall be alleged in the petition, and it shall be lawful for the court hearing the cause to correct errors, if any there be, in the apportionment, and to adjudge a sale of so much of the lots of each person as will pay his part of the cost according to the apportionment, and his costs of suit, and the court confirming any sale made under such judgment shall direct that the property be redeemable within three years, by the owner, on paying the principal sum and interest at the rate of ten per cent. per annum, and all taxes and levies made subsequent to the sale thereof, and if not redeemed within the time specified, that the sale shall be final, and after the time for redeeming shall have expired, the court shall cause a conveyance to be made to the purchaser by a Commissioner: *It is provided*, That in-

Liens may be enforced.

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CHAPTER 370.

AN ACT amending the charter of the Knob Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the charter of the Knob Lick turnpike road company, requiring said road to be forty feet in width, be so amended as to require the directors of said road to restrict the width of the road to a width not less than thirty feet; and that whenever said road shall be completed, said Board of Directors are hereby authorized to erect two gates upon said road, and receive full toll at each gate. The Legislature reserves the right to repeal or amend this act.

Approved February 12, 1858.

CHAPTER 371.

AN ACT to amend the charter of the Crab Orchard and Gilmore's Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the 9th section of an act, entitled, an act incorporating Gilmore's Lick and Crab Orchard turnpike road company, be so amended as to allow a toll gate to be erected upon said road, and half toll to be charged upon the same, whenever two miles and a half of said road shall have been completed and received by the County Court: *Provided*, That the company shall be required to make the necessary change at said gate.

Approved February 12, 1858.

CHAPTER 372.

AN ACT to incorporate the Rolling Fork and St. Marys Turnpike Road Company, in Mariou county.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporate name
and style.

§ 1. That a company is hereby formed, under the name and style of the "Rolling Fork and St. Marys Turnpike Road Company," for the purpose of constructing an artificial road from the most practicable point at or near New Market or Rolling Fork bridge to St. Mary's College depot, on the Lebanon branch of the Louisville and Nashville Railroad.

Capital stock.

§ 2. That the capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each, and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object

of this act then the President and Directors may increase it to such amount as they may deem necessary, and open subscriptions therefor in such way as they may deem best.

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§ 3. Books for the subscription of stock in said company shall be opened on the day of February, 1858, or as soon thereafter as may be convenient, at St. Mary's College, and at the town of New Market, under the direction of E. A. Graves, Thos. Carter, Gus. Haden, Jas. Bell, Thos. Bivin, Peter Ray, John G. Matingly, and John Bivin, or some two or more of them at each place, who are appointed Commissioners. The said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into an obligation in said book or books, to pay to the President and Directors and company of the Rolling Fork and St. Mary's turnpike road company the sum of fifty dollars for each and every share of stock set opposite their names. And in case any person or persons wish to pay their stock, or any part of it, in work on said road, they shall append to their names the following words: "To be paid in work on said road, at such time and in such manner as may be prescribed by the President and Directors, and at such valuation as may be made by the superintendent or engineer for said company."

Commissioners.

§ 4. All the sections of an act, entitled, an act to incorporate the Danville and Hustonville turnpike road company, approved March 1st, 1844, beginning at section 4 to the 35th section inclusive, are hereby incorporated and made part of this act, as far as applicable, and as fully as if written out and incorporated in this act.

Charter of Hustonville & Danville road made part of this.

§ 5. All the sections of an act to incorporate the Lebanon and Maxville turnpike road company, approved March 19, 1856, beginning at the fifth section to the fourteenth, are hereby incorporated and made a part of this charter, with all the privileges, powers, rights, and immunities therein contained, so far as applicable.

Charter of Lebanon and Maxville road made part of this.

§ 6. That whenever two and a half miles of said road is finished consecutively, the company shall have the power to erect a gate, and receive half toll, in proportion as if five consecutive miles had been finished; and shall furnish change at said gate.

Gates may be erected.

Approved February 12, 1858.

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Capital stock.

§ 2. That the capital stock shall not be more than one hundred thousand dollars, divided into shares of one hundred dollars each.

Commissioner's names.

§ 3. That the books for the subscription of stock may be opened in the towns of Canton, Cadiz, and city of Hopkinsville, and such other places as may be deemed best, under the direction of Capt. James S. Jackson, James F. Buckner, John P. Campbell, of the city of Hopkinsville; and Edmund Bacon, Dr. T. M. Wooldridge, and R. K. Tyler, of the county of Trigg; Col. Stanly Thomas, R. D. Baker, and James E. Thompson, of the town of Cadiz; S. A. Ford, Wm. Grace, and Joshua Hopson, of the town of Canton, or some one or more of them, all of whom are hereby appointed Commissioners for the purpose of obtaining subscriptions of stock in said corporation. And the said Commissioners, or such of them as shall act, shall procure a suitable book or books, which shall contain the following obligation: "We whose names are hereunto subscribed, do severally bind ourselves to pay, respectively to the President, Directors, and Company, of the Canton, Cadiz, and Hopkinsville Turnpike Road Company, the sum of one hundred dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the President and Directors of said company." And when the President and Directors shall have been elected, as hereinafter prescribed, they shall have full control of said books of subscription, and may have the same opened from time to time under their directions, until all of the stock shall be taken, or a sufficient amount to complete the work.

To call meetings to elect officers.

§ 4. That as soon as a majority of said Commissioners shall be of the opinion that a sufficient amount of stock is subscribed to justify a commencement of said road they may call a meeting of the stockholders, (after giving public notice of the same for at least two weeks,) and hold an election for President and five Directors, who shall hold their offices for one year, and until other like officers shall have been elected: *Provided*, That should a vacancy occur the remainder of the Directors shall fill the same by appointment; and should any place in the directory become vacant from any cause any three of the stockholders, may call a meeting of the stockholders, as above mentioned, to fill such vacancies by an election. The Directors shall appoint a Treasurer, and such other officers as they may deem necessary; and the said Treasurer, before he enters upon the duties of his office, shall execute a bond to said company, with security to be approved by the directory, in such penalty as they may deem necessary, conditioned that he will well and truly, in all things, perform the duties of his office, and whenever a demand shall be made on him by the

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directory, or its authorized agent, pay over, as they may direct, all sums in his hands as Treasurer, and hand over all books and papers belonging to said company. And the said Treasurer shall continue in office until the directory shall make another appointment: *Provided*, That no person but a stockholder shall hold the office of President or Director.

§ 5. That upon the election and qualification of said Directors they shall be a body politic and corporate, and shall have perpetual succession, and all the privileges and franchises incident to like corporations, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, of purchasing and selling lands and tenements, as the same may be deemed necessary by said directory, in the construction and keeping up of said road.

When company organized, &c. Powers.

§ 6. That the President and Directors, after their election, shall make a call upon the different stockholders for payment upon their several subscriptions, which call may be made in such manner as they shall deem right and just: *Provided*, That the first call shall not be over twenty per cent. on the amount subscribed, and may be less, in the discretion of said Directors: *And, provided further*, That all subscribers paying as much as twenty per cent, as aforesaid, at the first call or payment, shall be entitled to a notice of forty days upon any subsequent call.

Calls may be made on stockholders.

§ 7. That every stockholder shall be entitled to one vote on each share owned by him to the number of five, and shall be entitled to one vote for the next two shares, and for every four shares thereafter shall be entitled to one vote only.

§ 8. That the certificate of the President, countersigned by the Treasurer, shall be evidence of ownership of stock in said company, and the same shall be transferable on the books of the Treasurer, in person or by attorney, when all arrearages shall have been paid, and not until then.

Certificates of stock.

§ 9. That the President may call meetings of the Board of Directors at such times and places as he may think proper. A majority of the Directors shall constitute a quorum; and in the absence of the President a majority of said Directors, as aforesaid, may elect a President *pro tempore*: *Provided*, That if, by the death of the President or other cause, a meeting should not so be called when the business of the company shall demand it, any two of the Directors may call the same, first having given reasonable notice of the time and place of meeting in such manner as said Board of Directors may determine. Said Board of Directors shall have full power to pass all by-laws deemed necessary to promote the interest of the

Meetings to be called.

1858.

When gates to
be erected.

stockholders, and to superintend the construction of said road, and the management and government of the same.

§ 10. When five miles of said road shall be completed said company shall have power to erect a gate, at which they may charge toll, and which gate shall not be erected within less than one mile of the ferry on Cumberland river, in the town of Canton; and said company may charge the same rate of tolls as are allowed and prescribed by an act, entitled, an act regulating the tolls on turnpike roads in which this Commonwealth is a joint stockholder, and for other purposes, approved February 25, 1842; and all the general laws of this Commonwealth, relating to turnpike roads, and not inconsistent with this act, may be considered as a part hereof: *Provided*, That it shall be lawful for the towns of Canton and Cadiz, and the city of Hopkinsville, or the Trustees thereof, to subscribe for stock in said company, for the use and benefit of said town.

§ 11. The General Assembly reserves the right to alter, repeal, or amend the above as they may think proper.

Approved February 12, 1858.

CHAPTER 378.

AN ACT enlarging the boundary of the town of Cadiz, in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Cadiz, in Trigg county, be so enlarged as to embrace the following boundary: Beginning on the original corner of what is known as Baker's original donation, on the bank of Little river, just above the residence of Judge Thos. C. Dabney; thence down the river, S. $\frac{1}{4}$, W. $23\frac{1}{4}$ poles, to a small white oak, red oak, and two ironwood pointers on the bank of the river; thence N. $24\frac{1}{4}$, W. 153 poles, to a spring in the bank of the river, at the ford near the lower Stemmerly; thence down the river, N. $1\frac{1}{4}$, W. 18 poles, to a Spanish oak on the river bank, about 50 feet below a large white oak; thence N. 49, E. 81 poles, to a stake in the field of H. C. Burnett's, taking in from two to three acres of said field; thence N. 14, E. 61 poles, to a stake at the corner of R. A. Burnett's field, on the Madisonville road; thence S. 48, E. 63 poles, to a stake; thence S. 39, W. 94 poles, to a stake under the bluff not far from the town spring; thence S. 52, E. 14 poles, to a stake; thence S. 35, W. 62 poles, to a sycamore, on the bank of the river near the upper stemmerly, belonging to the Dupuy's; thence down the river, with its meanders, S. 66, W. 10 poles, S. 24, W. 25 poles, to the beginning; and that here-

after the territory embraced in the same be and the same is declared to be a part of the town of Cadiz; and the corporate powers of the Trustees of said town shall be co-extensive with said limits.

1858.

§ 2. This act shall take effect from and after its passage.

Approved February 12, 1858.

CHAPTER 379.

AN ACT to incorporate the Russellville and Springfield Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be and are hereby incorporated, to construct a road from Russellville, in Logan county, to the Tennessee state line, in direction to Springfield, in Tennessee, by the name and style of the "Russellville and Springfield Turnpike Road Company," to pass through or near to Adairsville, in Logan county; and by that name may sue and be sued, may plead and be impleaded, contract and be contracted with, and have and use a common seal, and change, alter, or amend the same at pleasure.

Corporate name and style.

§ 2. That the capital stock of said company shall be forty thousand dollars, with the privilege of increasing the same to sixty thousand if necessary, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. That Geo. W. Ewing, Jas. B. Evans, and Edward Ragan, of the town of Russellville; Thos. G. Gooch, Jas. M. Duncan, Richard Duncan, Jno. Grubbs, Geo. W. Hite, F. M. Beauchamp, Jas. Townsend, G. P. Ewing, Jas. B. Bowling, Aaron Burr, and Jno. Farmer, of the county of Logan, are hereby appointed Commissioners, whose duty it shall be to open books for the subscription of stock. In case the said persons shall refuse to act from any cause whatever, the County Court of Logan may, from time to time, fill up any vacancy, or appoint some other person to act in place of such one or more of said Commissioners who may refuse to act. The said Commissioners shall give notice of the time and place when and where books are to be opened for subscription of stock in said company.

Commissioners to receive stock.

§ 4. That so soon as one hundred shares shall have been subscribed by individuals and companies, of said capital stock, the Commissioners shall give ten days notice thereof, in some newspaper printed in the town of Russellville, of the fact, and appoint a time and place for a meeting of the stockholders in Russellville or Adairsville, who shall, by vote or written proxy, elect a Presi-

Meetings to be called to elect stock officers.

1858.

dent and five managers to conduct the business of said corporation, by the style aforesaid; the President and Managers, and all other officers of said company shall severally take an oath before some Justice of the Peace faithfully to discharge the duties of their respective offices; they shall, so soon as may be, locate said road, or any part thereof, in direction to Springfield, Tennessee, and are hereby authorised to receive the written consent of any landholder through whose or near whose lands the said road may pass, and the grant of the right of way, timber, stone, or soil, to make said road, or keep the same in repair, which consent, when so given, shall be valid to every intent and purpose.

Width of road,
do.

§ 5. That said road shall be open at least thirty feet wide, or wider if necessary, not to exceed forty feet, and shall be graded not to exceed degrees, at least fifteen feet wide at the bottom of said road, where the ground will admit such width and grade.

May erect gate,
do.

§ 6. That when said road shall be so opened and graded, for any distance thereof equal to five miles, it shall be lawful for said company to erect a gate or gates upon the same, and collect for the travel on said road one half of the rates of tolls usually collected on finished turnpike roads, and at the same rates for any greater distance of said road as soon as the same shall be opened and graded, as aforesaid; and whenever the said road shall be paved with stone or McAdamized with stone or hard gravel at least fifteen feet wide, then the said company shall have full power to charge and collect full toll for so much of said road as may be completed.

Land and materials may be
condemned.

§ 7. That the President and Directors and Company may take and use any timber, earth, gravel, stone, or other materials necessary for the construction or repair of said road, or any of its works; and may, for the purposes aforesaid, either by themselves or agents, or those with whom they may contract, enter upon, use, and excavate any such materials as may be wanted for the building or repair of said road, or for the erection of buildings necessary to its construction or repair: *Provided*, Such damages shall be paid to the owners thereof as may be assessed by a jury under a writ of *ad quod damnum*, issued by the Logan County Court, as in other cases provided.

Approved February 12, 1858.

LAWS OF KENTUCKY.

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CHAPTER 380.

1858.

AN ACT for the benefit of James E. Secrest, late Sheriff of Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years be allowed James E. Secrest, late Sheriff of Nicholas county, and late deputy Sheriff for John Clay, and for late John Alexander, Sheriffs of Nicholas county, in which to collect his fee bills and the unpaid tax and county levy which accrued during the time he acted as Sheriff and deputy Sheriff aforesaid.

Approved February 12, 1858.

CHAPTER 381.

AN ACT to amend the charter of the Oregon Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act incorporating the Oregon Turnpike road company, in Mercer county, approved March 1, 1848, be amended as to authorize said company to erect a toll gate on said road at any point they may agree on, but the toll for passing through same shall not exceed the charge of a half gate.

Approved February 12, 1858.

CHAPTER 382.

AN ACT for the benefit of the Christian Church of Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the persons or their survivors invested with the title to the lot and grounds used and occupied by the Christian Church of Winchester, and which have been purchased by said Church for Church purposes, are hereby authorized and empowered to sell and convey any part thereof, and appropriate the proceeds of such sale to the use of said Church, to be expended under its direction.

§ 2. This act to take effect from and after its passage.

Approved February 12, 1858.

1858.

CHAPTER 383.

AN ACT amending the charter of the Union Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Union turnpike road company be so amended as to allow each subscriber to the capital stock of said company one vote for every share subscribed, up to thirty shares, and one vote for each twenty shares thereafter, in all elections arising under the charter.

§ 2. That no transfer of stock be legal unless made on the books of the company, by an order of the Board of Directors.

§ 3. This act to take effect as soon as the same shall be ratified and accepted by a majority of the stockholders, according to the existing charter.

Approved February 12, 1858.

CHAPTER 384.

AN ACT to authorize the citizens of the town of Warsaw to elect a Police Judge and Marshal.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Police Judge to
be elected.

§ 1. That the qualified voters of the town of Warsaw, in Gallatin county, shall and they are hereby authorized to elect a Police Judge in said town, on the first Monday in August, 1858, and on the first Monday in the same month every two years thereafter. Said Judge, so elected, before he enters upon the duties of his office, shall take an oath before some one duly authorized to administer the same, to discharge the duties of said office faithfully and impartially, to the best of his ability, and such oaths as public officers are usually required to take. Said Judge shall have jurisdiction of all misdemeanors, and of all causes, civil, criminal, or penal, in which Justices of the Peace have jurisdiction within the county of Gallatin, and in criminal or penal cases he shall have the jurisdiction conferred by law upon two Justices of the Peace, and shall proceed in the same manner that Justices of the Peace are required to proceed in such cases; he shall have full authority to require bail, and receive the acknowledgment and execution of recognizances of bail, in all cases originating before him in which bail is or may by law be hereafter required; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, and unlawful assemblies; all cases of indecent or immoral behavior or conduct calculated to disturb the peace and dignity of said town; of all cases of drunkenness, profane

To take oath.

Jurisdiction, &c.

1858.

swearing, running horses, firing guns, pistols, making reports by burning powder or crackers, blowing horns, ringing of bells, crying aloud by day or by night, and all other riotous or illegal and improper conduct whatever, committed within the bounds of said county, all of which are hereby declared to be misdemeanors. He shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the Board of Trustees of said town, for enforcement of the powers granted to them by law. He shall have power to order the Marshal to summon a jury in any case cognizable before him, when a jury would be required before the Circuit Court or a Justice of the Peace; and in all cases where the amount of fine is over sixteen dollars and sixty-six and two-thirds cents, and is not fixed by law, the sum shall be ascertained by the verdict of a jury. In all cases and charges arising out of and for a violation or infraction of any of the ordinances of said town, when the penalty therefor is sixteen dollars and fifty cents or less, he shall hear and try the same without the intervention of a jury, and in all cases in which a fine is imposed by said Judge he shall issue *capias pro fine* or *fieri facias*, as in his judgment the case may warrant; but nothing herein shall deprive a defendant from the right of replevying any judgment rendered against him for fine and costs: *Provided*, He offers ample security for the same. Upon a drunken person being brought before said Judge he shall have power to order him to be confined in the jail until he becomes duly sober; and upon a disorderly person being brought before him, he may require of him surety for his good behavior, and for keeping the peace for a period not exceeding one year, and on his failure to give such security, may commit such person until he gives security, but in no event is the confinement to exceed thirty days. He shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend may award compulsory process to compel their attendance. He shall have power, without the intervention of a jury, to fine and imprison for contempt: *Provided*, the fine does not exceed ten dollars, nor the imprisonment twelve hours. Said Judge shall have the same authority to take depositions that Justices of the Peace now have in this Commonwealth. He shall have full power to grant injunctions, restraining orders, attachments, and writs of *habeas corpus*, and administer oaths in all cases wherein, by existing laws, Justices of the Peace are required or authorized so to do. He shall keep a record of his proceedings, a certified copy of which shall be evidence in all courts of justice, and have the same force and effect as records of a Justice of the Peace. He shall, in all other matters not herein mentioned, have concurrent jurisdiction with Justices of the Peace, and be gov-

May grant in-
junctions.

1858.

Process to be
issued in name
of the Common-
wealth, &c.

erned by the same laws and regulations. All trials before said Judge shall be had and held in the town of Warsaw.

§ 2. The Police Judge shall issue process in the name of the Commonwealth, as other warrants or arrests, except otherwise provided for in this act, and make them returnable before himself as Police Judge of Warsaw; the same shall be directed to the Marshal, Sheriff, or any Constable of Gallatin county, and shall be executed and returned by the officer in whose hands the same is placed, under the same penalties as other process from Justices of the Peace: *Provided however*, That when any prosecution is instituted for a breach of any of the ordinances of said town the process shall issue in the name of the town of Warsaw, and said town shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted said town shall be liable to the officers for their costs. The Police Judge shall be entitled to a fee of one dollar for a peace warrant, for a warrant for a riot, rout, or breach of the peace, unlawful assembly, affray, or misdemeanor, or any breach of the laws or ordinances of the town of Warsaw; and in all other cases, and for all other service, he shall be allowed the same fees as Justices of the Peace are allowed for similar services.

Appeals allow-
ed.

§ 3. Appeals from all judgments rendered by said Police Judge in civil cases, shall be allowed to any party, under the same rules and regulations, and to the same tribunals as appeals are now allowed to be taken from judgments of Justices of the Peace in like cases.

Justice of the
Peace may act
for him.

§ 4. In the absence of said Police Judge, or his inability to perform the duties of his office, any Justice of the Peace who holds his office in the Magistrates' district in which the town of Warsaw is situated, may act and perform any official duty which pertains to the office of said Police Judge, and shall be entitled to the same fees therefor.

Marshal to be
elected.

§ 5. There shall be a Marshal elected by the qualified voters of said town, at the same time and place the Police Judge is elected, under the same rules and regulations and shall hold his office the same length of time that the Police Judge is entitled to hold his office under this act. Before he enters upon the duties of his office he shall take an oath faithfully and impartially to discharge the duties of said office, and shall give bond with good security, in a sum not exceeding fifteen hundred dollars, conditioned faithfully to discharge the duties of said office, and may contain any other condition that the Board of Trustees of said town may think proper to require. He shall have full power, within the county of Gallatin, to serve all process and precepts directed to him by the Police Judge, and in the absence of the Sheriff all process and precepts directed to him by any officer of the Commonwealth,

Take oath.

To give bond.

and make due return thereof. The Marshal shall be a conservator of the peace, and may and shall, on his own view, or on reliable information of others, arrest any and all rioters and persons guilty of drunkenness or disorderly conduct, and shall safely keep said persons by confinement in the jail of the county, or otherwise, until such person can be conveniently brought before the Police Judge or Justice for examination and trial; and for this purpose the Jailer of said county of Gallatin shall safely keep all persons placed in his care by the Marshal. Said Marshal shall be entitled to the same fees and per cent. for collecting the tax of said town, penalties, and forfeitures as Sheriffs and Constables are entitled to in like cases. He shall be entitled to a fee of one dollar for serving a peace warrant, a warrant for a riot, rout, affray, or breach of the peace, and for all warrants, when fines are to be assessed by a jury before the Police Judge, and one dollar for summoning a jury which may be impaneled before the Police Judge, and to a fee of twenty-five cents for all other penalties, forfeitures, and debts tried before the Police Judge without a jury; to a fee of twelve and a half cents for summoning a witness, and to the same fees from the State, to be paid out of the treasury and county levy, for serving warrants for felony, and warrants against slaves for misdemeanors as Constables and Sheriffs are entitled to for like service. He shall collect all executions and final process placed in his hands for collection, in the same manner Constables are required by law to do. He shall be subject to the same proceedings and liable to the same penalties that Sheriffs and Constables are in like cases for the non-performance of any duty imposed by this act.

§ 6. Both the Police Judge and Marshal shall be residents of the town of Warsaw, and removal therefrom shall vacate their respective offices.

§ 7. That whenever a vacancy shall occur in the office of Police Judge or Marshal by death or otherwise, the qualified voters of said town shall elect a Police Judge or Marshal for the residue of the term thus made vacant; the time and place of said election to be fixed by the Trustees of said town, and advertized ten days previously thereto by notice placed on the Court House door and at least two other public places in said town.

Approved February 12, 1858.

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Powers, &c.

Fees of Marshal

Judge & Marshal shall be citizens of Warsaw.

Vacancy—how filled.

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CHAPTER 385.

AN ACT to incorporate the Harmony and Fork Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style. § 1. That persons who subscribe stock to construct a turnpike road from or within three fourths of a mile of Harmony Church, to the mouth of Dix river, or some point between Bowman's warehouse on the Kentucky river, and Perkins' ford on Dix river, be a body corporate and politic, under the style of the "Harmony and Fork Turnpike Road Company;" and by that name may sue and be sued, and shall have perpetual succession; and the capital stock shall not be over fifteen thousand dollars.

Commissioners. § 2. The following persons shall be Commissioners to obtain stock in said road: William H. Campbell, George Dickerson, George Bowman, H. G. Perkins, and C. E. Bowman, or any two of them, who may at any time they think proper, cause the books for the subscription of stock to be opened, after having given ten days notice of the place of meeting by posting up written advertisements in three or more public places in Garrard. The stockholders shall be authorized to organize and elect a board of officers whenever one thousand dollars of stock is subscribed, and ten days notice has been given of such election.

Width of road. § 3. That said road shall be opened not less than twenty-five nor more than fifty feet wide, and the artificial part thereof covered with stones, shall not be less than twelve feet wide. The elevation of the grade of the road shall be fixed and regulated by the President and the Managers of the company.

May erect gates. § 4. That when said road shall be opened and graded for any distance thereof equal to two and a half miles, and a proper and sufficient coating of McAdamized stone placed thereon, it shall be lawful for said company to erect a gate, and may charge half toll on the same, and to collect for the travel on said road the same rates of toll which are charged and allowed to be collected by the provisions of an act to charter the Danville and Hustonville turnpike road company. And it shall be lawful, when said road shall have been completed, for the said company to dispense with said toll, and in lieu thereof erect and use gates, under the rules and regulations of said Danville and Hustonville turnpike road company, as now prescribed by law.

President, &c., to be elected. § 5. Said road shall be under the control and management of a President and five Directors, who shall, after the first election, hold their office for one year, and until their successors are elected and qualified. The first board of officers shall be elected at such time and place

1858.

as the Commissioners may direct, and shall hold their offices until the second Saturday in February succeeding, and until their successors are elected and qualified. The stockholders shall, after the first election, elect a President and five Directors on the first Saturday in February.

§ 6. The provisions of an act of the General Assembly of the Commonwealth of Kentucky, approved March 1st, 1844, entitled, an act to incorporate the Danville and Hustonville Turnpike Road Company, so far as the same are not changed by this act, and are applicable, shall be the law governing the Harmony and Fork Turnpike Road Company: *Provided*, That under this charter all notices for calls on stock, elections, or other things, may be given by posting up advertisements, (either written or printed,) and shall not be published in any newspaper.

Charter of Danville and Hustonville read made part of this.

§ 7. This act to take effect from its passage.

Approved February 12, 1858.

CHAPTER 388.

AN ACT to incorporate the Presbyterian Church at Lebanon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. S. Shuck, Harvey McElroy, A. K. Young, Robert L. McElroy, J. C. Maxwell, and their successors in office, be and they are hereby created a body politic and corporate, by the name of the "Trustees of the Presbyterian Church at Lebanon;" and by that name shall have perpetual succession, and corporate existence, with all powers incident to such corporations, so far as is necessary to protect and preserve the rights, titles, privileges, and immunities of said church, which belong or may belong to the same; and to acquire and possess property for the sole use and benefit of said church, and not, at any one time to exceed fifty thousand dollars in value, which may be acquired by gift, purchase, or in any other way; and said Trustees shall have power to sell the property in whole or part of said church, and re-invest the proceeds of sales, as directed by a majority of the white members thereof.

Trustees incorporated.

Powers.

§ 2. The said Trustees shall continue in office until their successors are duly elected; and there shall be held an election on the 4th of July, 1858, and every year thereafter. Said election shall be ordered by the Trustees then in office; and each white member of the church shall be entitled to one vote; and should any vacancy occur between the time of regular elections the same may be filled by the Trustees.

Trustees—term of office.

§ 3. A majority of the Trustees shall, at all times, constitute a quorum; and it shall be their duty to keep a fair record of their proceedings, and appoint all such officers

Quorum, &c.

1858.

as may be necessary and proper for the comfort and convenience of said congregation, and the preservation of their property; and to pass such by-laws and regulations as they may deem proper: *Provided*, The same be not inconsistent with the constitution of this State, or of the United States.

May defend
suits, &c.

§ 4. That said Trustees may prosecute and defend any warrants or suits necessary and proper for collection of rent and sale of pews in said church.

Approved February 12, 1858.

CHAPTER 387.

AN ACT for the benefit of Dennis Purcell and Henry Spink, of Nelson and Hardin counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Dennis Purcell and Henry Spink, of Nelson and Hardin counties, owning lands on both sides of the Rolling fork of Salt river, be and they are hereby authorized to erect a fish dam and put upon said Rolling fork, at such place as they may deem fit, where their lands lie on both sides of the stream: *Provided*, That the County Courts of Hardin or Nelson shall have power, upon any person or persons giving them ten days notice, to require the same to be removed at the expense of said Purcell and Spink, if it shall be found to injure the navigation of the stream, and an obstruction to the passage of fish up said river or stream.

Approved February 12, 1858.

CHAPTER 388.

AN ACT for the benefit of the Methodist Church at Bardstown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Rev. A. K. Cox, W. A. Hickman, Jos. Hart, T. J. Maynard, and Owen Ruble, be and they are hereby constituted a body corporate, who, or a majority of whom, by the name and style of the "Trustees of the Methodist Episcopal Church in Bardstown," may sell and convey the lot in said town on which the church lately destroyed by fire stood, and expend the proceeds in the purchase of another lot in said town, or the erection and finishing another church building, and defraying other expenses incidental to the building of another house for a church. They may receive and hold title to a lot for church purposes in said town, and the shall be free from taxation for any purpose whatever.

Approved February 12, 1858.

CHAPTER 389.

1858.

AN ACT to incorporate the Mount Lebanon and Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created under the name and style of the "Mount Lebanon and Kentucky River Turnpike Road Company," for the purpose of building a McAdamized road from Richmond Hunter's ferry, on the Kentucky, in Jessamine county, to Mount Lebanon, or near Mount Lebanon, in the same county.

Name and style.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 3. The books for the subscription of stock shall be opened by Jno. Portwood, Henry M. Chrisman, Richard Fain, Dudley Portwood, Jno. Burdam, Richard Hunter, Jr., or any three of them—the books to be opened at such time and place as they may designate, after having given twenty days notice in five or more of the most public places in Jessamine county. The subscribers shall, in the books of the Commissioners, enter into the following obligation, viz: "We, whose names are hereunto subscribed, do respectively promise to pay to the President and Directors of the Mount Lebanon and Kentucky River Turnpike Road Company, fifty dollars for each share of stock set opposite our names, in such manner and proportions, and at such times, as the President and Directors of said company may, from time to time, require. Witness our hands this day of , 185 ."

Commissioners, &c.

§ 4. So soon as five thousand dollars shall be subscribed the Commissioners may give notice, and proceed to organize, by the election of a President and four Directors. The road to be made under the provisions of this charter shall commence at or near Mount Lebanon, in Jessamine county, terminate at Richmond Hunter's Ferry, on the Kentucky river, in said county.

When company to be organized.

§ 5. That the County Court of Jessamine may take and subscribe stock in said company.

County Court may take stock.

§ 6. The provisions of an act incorporating the Nicholasville and Kentucky River Turnpike Company, not in conflict with this bill, shall apply to and govern the Mount Lebanon and Kentucky River Company.

Provisions of another charter applied to this.

Approved February 12, 1858.

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CHAPTER 390.

AN ACT to charter the Southwestern Agricultural Works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- Name and style.** § 1. That a corporation is hereby created, by the name and style of the "Southwestern Agricultural Works." to be located in the city of Louisville. Said corporation shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, and shall have all the rights, immunities, and powers that may be necessary or fit for the management and prosecution of its business, which shall be the manufacture of various kinds of agricultural implements, machinery of all kinds, and the working of lumber and metal in its various branches; also, the sale of the same, and any other articles for planters, farmers, gardeners, and machinists uses. The corporation may purchase and hold real estate to the value of not exceeding fifty thousand dollars, or may lease the same.
- Corporate powers.**
- Capital stock.** § 2. The capital stock of the corporation shall not exceed two hundred thousand dollars, in shares of one hundred dollars each. Subscriptions for stock shall be made by persons signing their names to an agreement to take the number of shares placed opposite their names, and obligating themselves to pay to the Southwestern Agricultural Works the amount thereof. Abraham G. Munn, John N. Breeden, William H. Goddard, and William Garnett, or any three of them, may open a book for subscriptions to such an agreement; and whenever the sum of twenty five thousand dollars is subscribed they may call the subscribers together, who may organize the corporation by electing a President and two Managers.
- Commissioners.**
- Officers—term of office.** § 3. The President and Managers shall hold their offices for such time as may be subscribed by the stockholders, and conduct and manage the affairs of the corporation in such manner as the stockholders shall, by their by-laws, direct: *Provided*, Such by-laws shall not conflict with the laws of this State, or of the United States.
- Annual meetings.** § 4. There shall be an annual meeting of the stockholders, and oftener if called by the President and Managers. At every such meeting the officers shall, if required, submit a full statement of the affairs, business, and accounts of said corporation. A majority of the stockholders may, from time to time, permit additional stock to be subscribed for, until the whole amount authorized by this act shall be taken.
- Stock, how voted.** § 5. Each shareholder shall be entitled to vote in person or by proxy, duly authorized in writing, at every annual or called meeting of the stockholders; each person holding five shares or less shall have a vote for every such share; every additional five shares held by the same

1858.

person shall be entitled to three votes. The stockholders may, from time to time, make such calls on the shareholders as they see fit, and if any stockholder shall fail to pay any such calls his stock, or as much as is necessary, may be sold after thirty days notice in some one of the newspapers of Louisville, at public auction, to the highest bidder; and if at such sale the stock does not bring enough to pay the deficit, then the defaulting stockholder shall be bound to make it good; but if the stock shall sell for a sum more than sufficient to pay the corporation the whole amount of the defaulters stock, with interest and costs, then such excess shall be paid to the stockholder. Certificates of stock shall be issued as the by-laws may direct; the stock shall be personal estate, and transferred on the books of the corporation in person or by attorney. The corporation shall have a lien on the stock of any stockholder for any debt he may owe to the corporation.

Certificate of stock.

§ 6. Dividends of profits may be declared yearly or half yearly, but no dividend shall ever diminish the capital stock subscribed.

Dividends may be declared.

§ 7. The corporation shall give notice in one of the newspapers in Louisville of their organization under this act.

Organization to be published.

§ 8. The corporation shall continue twenty years, subject to the right in the Legislature to change or repeal this charter.

Limit of charter

Approved February 12, 1858.

CHAPTER 392.

AN ACT for the relief of W. M. Smith, late gate-keeper on the Wilderness road, in Rockcastle county.

Whereas, it is represented to the General Assembly of the Commonwealth of Kentucky that great hardships and losses resulted to William M. Smith in the purchase of the toll-gate in Rockcastle county, on the Crab Orchard fork of the Wilderness turnpike road. For remedy and relief whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William P. Hiatt, Charles A. Redd, B. K. Bethuram, be and they are hereby appointed Commissioners, with full and complete power to make a full investigation of the whole matter; they shall hear evidence and have power to swear witnesses, and bring persons, papers, and records before them, with compulsory process, if necessary; and after hearing the evidence they shall have power to give a credit upon the bonds executed by said William M. Smith, for the purchase of said gate, for such sums as they may deem equitable and just, and shall re-

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port their proceedings to the County Court of said county. Said Commissioners shall notify the said Smith and the County Judge of said county of the time and place of meeting, and shall meet and adjourn from time to time, until they complete the duties herein assigned.

Approved February 12, 1858.

CHAPTER 393.

AN ACT to amend an act, entitled, "an act to amend the charter of the Lexington and Danville Railroad Company," approved March 10th, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of an act, entitled, "an act to amend the charter of the Lexington and Danville Railroad Company," approved 10th of March, 1856, be so far modified and amended, that said court shall have discretionary power to submit to the legal voters of said county, a proposition for said county to subscribe for stock in said company to any amount not exceeding two hundred and fifty thousand dollars, payable in county bonds, at such rate of interest as may be prescribed, and payable at such time as may be designated; or in lieu thereof, to subscribe any amount not exceeding two hundred thousand dollars, payable in money, one-fourth on the 1st day of January, annually, after said subscription shall be made, as above provided. And in case the subscription shall be made in money, the County Judge of said county shall levy a tax, and cause the same to be collected as other taxes for State or county purposes, and by the same officers under like bonds and liability, and for such compensation, as may be deemed reasonable, not exceeding the amount allowed the Sheriff for collecting the school tax: *Provided*, That the tax-payers or their assigns, administrators, or executors, shall be entitled to stock in said road, upon equal terms with the original private stockholders, and certificates of stock shall be issued to them accordingly, as is provided to be done to the citizens of Jessamine county under similar circumstances.

§ 2. That all sums subscribed and paid by the people of Mercer county, in bonds or money, or as private stockholders, shall be devoted to the construction of the road in Mercer county, first from the Kentucky river towards Harrodsburg, and then onwards, as the amount subscribed may justify: *Provided*, That a sum not exceeding one hundred thousand dollars may be devoted to the construction of the suspension bridge across the Kentucky river: *Provided*, The two Directors authorized to be elected by the Mercer county stockholders shall think the interest of

the road and said county of Mercer require such appropriation.

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§ 3. If a majority of those who cast their votes at a general election, or a majority of all the voters of the county of Mercer at a special election, shall be in favor of said proposition, it shall be the duty of the County Court to make the subscription accordingly and do all such other acts as may be necessary to carry the same in effect.

Approved February 12, 1858.

CHAPTER 395.

AN ACT to incorporate the Scott Female Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jos. B. Kenney, Alexander Offatt, William L. Sutton, Daniel P. Young, Charles Nichols, John T. Daviess, Harvey C. Graves, Ezra N. Offutt, B. C. Keene, John F. Warren, B. F. Elliott, William Reardin, Marcus Polk, James K. Duke, and John F. Payne, and their successors, be and they are hereby created a body corporate and politic, with perpetual succession, to be styled the "Board of Visitors of Scott Female Institute," with full power to make contracts, sue and be sued, plead and be impleaded, in their corporate capacity; to make, have, and use a common seal, and the same to change at pleasure.

Corporators.

Name and style.

§ 2. The said corporation shall have authority to exercise such powers as are necessary and proper for the maintenance of a Female Seminary in the town of Georgetown, Scott county. It may acquire and hold by gift, purchase, devise, or otherwise, such lands and other property, not exceeding twenty-five thousand dollars in value, as the Board of Visitors may deem necessary for the purposes aforesaid, and may dispose of the same at pleasure.

Corporate powers.

§ 3. The Board of Visitors incorporated by this act, at their first meeting after its passage, shall choose from their own body a President, Treasurer, and Secretary; and they shall have power to fill all vacancies occurring in their own body or in said offices; and at all meetings of the board a majority shall constitute a quorum to transact business.

Officers to be elected.

§ 4. The Board of Visitors shall have power to appoint a Principal of said Institution, and such Professors and Instructors as may, at any time, be necessary for the instruction of the pupils therein, in the arts and sciences, and in all necessary, useful, and ornamental branches of a thorough and liberal education, such as are taught in the best Female Colleges and Seminaries; and the said

Professors and teachers to be appointed.

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Board of Visitors, and their successors, shall have power to make such by-laws, as they may deem expedient, for the government and conduct of said Institution, and to alter, amend, or annul the same at will: *Provided however*, That said by-laws shall not be repugnant to the constitution and laws of this Commonwealth, nor of the United States, nor inconsistent with the provisions of this charter.

May regulate
course of study.

§ 5. The Board of Visitors shall have power to regulate the course of studies, and to confer upon graduates of said Institution all the honors and degrees usually conferred by such Institutions or Colleges in this Commonwealth.

§ 6. It shall not be necessary for said corporation to procure a common seal, but it may authenticate its acts by the signature and seal of the President, attested by the Secretary.

§ 7. This act shall take effect from its passage, and the Legislature reserves the right to alter or repeal the same at pleasure.

Approved February 12, 1858.

CHAPTER 397.

AN ACT for the benefit of the Sheriff of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. W. Rennick, Sheriff of Hickman county, be and he is hereby allowed till the 1st day of April, 1858, to pay to the Commonwealth the balance of the revenue due from him for the year 1857.

§ 2. That this act shall take effect only on condition that the sureties of said Sheriff consent to the same, by order of record in the said County Court.

§ 3. This act to take effect from its passage.

Approved February 12, 1858.

CHAPTER 400.

AN ACT concerning the chartered Turnpike Roads in Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any person who may subscribe and pay stock to the amount of one hundred dollars or more, in any turnpike road company in Montgomery county, shall not be compelled to work on any dirt road in said county after the turnpike road in which they or he may be a paying stockholder has been finished.

Approved February 12, 1858.

CHAPTER 401.

1858.

AN ACT declaring the Cat fork of Blain creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Cat fork of Blain creek be and the same is hereby declared a navigable stream, from its mouth up to William A. Roberts' on said creek.

Approved February 13, 1858.

CHAPTER 402.

AN ACT establishing an additional voting place in Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created, in the county of Lawrence, an additional voting place, beginning at the forks of George's creek, including all the citizens residing in said county on the waters of Bushy fork of Blain, as low down as Oliver Betners, not to include him, and from the Bushy fork to the left hand fork of little Blain to Jerry Thompson's, all residing above him; thence from Jerry Thompson's to widow Mead's, on the steep Gut, to include her, and all residing above her on the steep Gut; thence from the widow Mead's to the forks of George's creek, the place of beginning; and the place of voting shall be, until altered and changed by law, at Isaac Pack's. This act to take effect from its passage.

Approved February 13, 1858.

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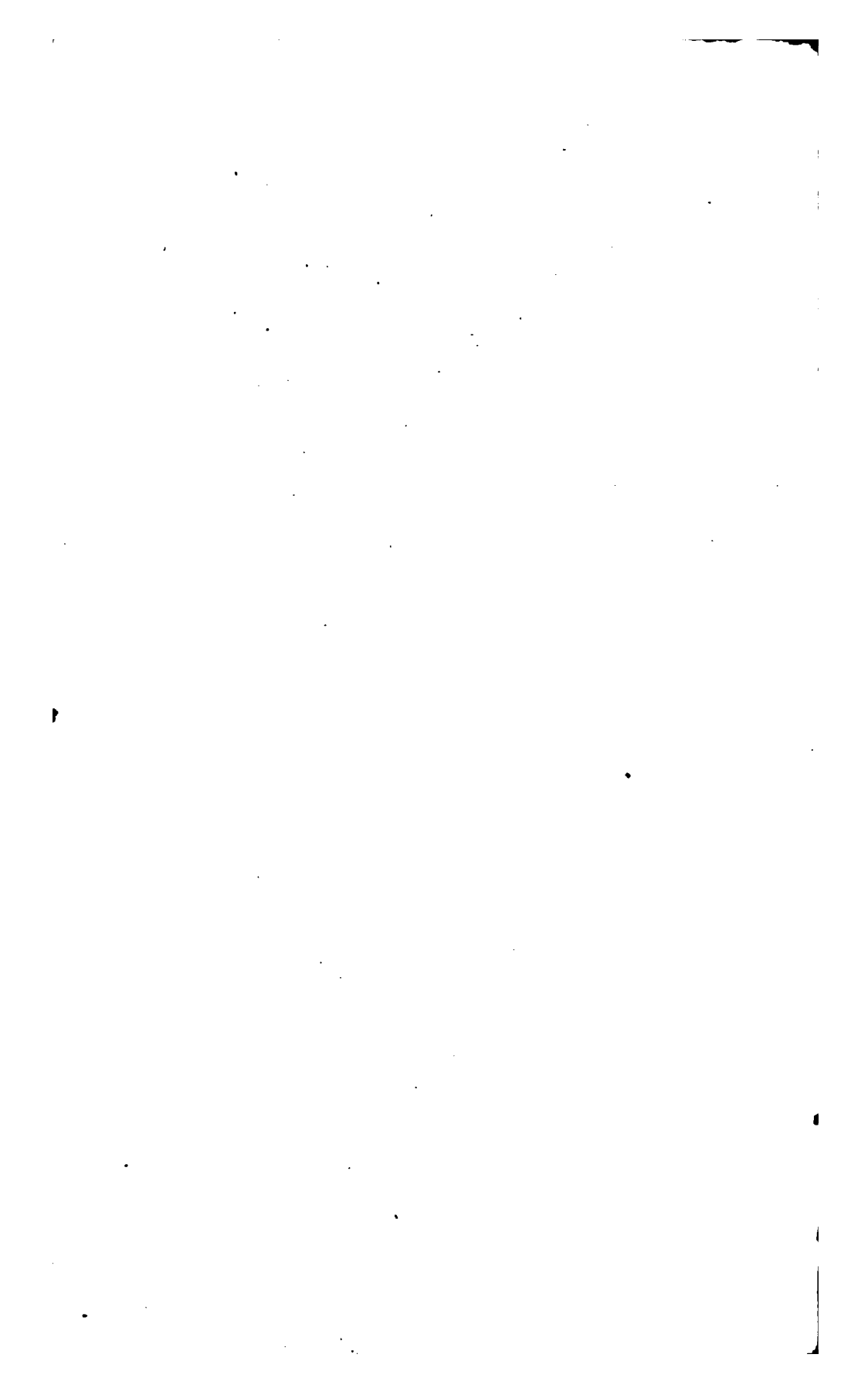
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